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Report of the Secretary-General on the United Nations Mission in the Central African Republic and Chad

I. Introduction

1. The present report is submitted pursuant to Security Council resolution 1778 (2007), by which the Council requested me to report to it every three months on the security and humanitarian situation in eastern Chad and the north-eastern Central African Republic, the status of refugees and internally displaced persons, progress made in creating security conditions conducive to their voluntary return, and the implementation of the mandate of the United Nations Mission in the Central African Republic and Chad (MINURCAT). The present report covers major developments since my last report, dated 8 July 2008 (S/2008/444), and includes the findings of the United Nations-European Union midterm review of the implementation of resolution 1778 (2007) and recommendations for arrangements following the end of the mandate of the European Union-led military force in Chad and the Central African Republic (EUFOR).

II. Developments in Chad

A. Political

2. Some progress was achieved during the reporting period in regard to the 13 August 2007 agreement on electoral reforms. On 2 July, the Ministry of Economy and Planning commenced a cartographic census, which is to be completed in early 2009 and will be followed by a demographic census. The results of the cartographic census will be used to update the voter registration list. On 16 July, eight additional political parties signed the 13 August agreement, bringing the total number of signatory parties to 91 out of 101 registered political parties in Chad. Five of the new signatory parties belong to the presidential majority, while three belong to opposition parties.

3. The Committee established to follow up the implementation of the 13 August agreement continued to meet. In June, the Committee submitted to the Government draft bills on the electoral law and the establishment of the independent electoral commission. The Government has yet to approve the drafts and submit them to the Parliament for its consideration. The Committee's sensitization programme on

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electoral reforms has not yet been implemented owing to an absence of contacts with relevant parties, including women's and youth groups.

4. Progress in the implementation of the Sirte agreement signed on 25 October 2007 by the Government of Chad and the main Chadian armed opposition groups (CAOGs), including the Union des forces pour le développement et la démocratie (UFDD), the Rassemblement des forces pour le changement (RFC) and the Union des forces pour la démocratie et le développement fondamental (UFDDF), remains limited. The parties agreed to respect the constitution, cease fighting, grant amnesty to the rebels, allow rebel groups to participate in the running of state affairs, integrate rebel forces into the Chadian national army and hold another meeting in Tripoli, including all political parties and relevant civil society organizations, to follow up on the implementation of the Sirte agreement.

5. On 18 August, the Government of the Libyan Arab Jamahiriya brokered an agreement between the Government of Chad and RFC dissidents under which the latter signed the Sirte agreement. As a result, some 50 former RFC fighters will be integrated into the national security forces. Despite progress on this front, on 14 August, the Mouvement pour la justice et la démocratie au Tchad (MDJT), an armed group from the northern part of the country, joined the Alliance Nationale led by the UFDD leader, Mahamat Nouri. On 16 August, Timan Erdimi, the leader of RFC, reportedly announced that contacts were under way with other armed opposition groups to reinforce the Alliance's military capacity.

6. On 17 July, the contact group established under the Dakar accord met in Dakar. The Minister for Foreign Affairs of the Sudan informed the contact group that his Government would resume diplomatic relations with Chad. The Minister for External Relations of Chad took note of the declaration. On 1 August, the Libyan Minister for African Affairs visited N'Djamena and urged the President, Idriss Deby, to resume diplomatic ties with the Sudan. The following day, the Chadian Minister for External Relations announced that the Government had accepted the Libyan proposal. On 2 August, the Minister for External Relations of Chad stated that President Al-Bashir had instructed Sudanese diplomats to return to N'Djamena to reopen the embassy. As of 31 August, however, the exchange of ambassadors had not taken place.

7. At its ninth regular session, held in Yaoundé, on 24 and 25 June 2008, the Conference of Heads of State of the Economic and Monetary Community of Central Africa strongly condemned repeated rebel attacks and attempts to destabilize Chad. The Heads of State appealed to the Security Council to do everything possible to help resolve the Darfur crisis and its destabilizing effects on neighbouring countries.

8. On 5 August, the National Commission of Inquiry, established on 2 April to look into the early February 2008 events in N'Djamena, submitted its report to the President. The report was released on 3 September. Its main findings indicated that both rebel groups and the Chadian National Armed Forces (FANT) were responsible for violating human rights during the events, including through arbitrary execution, torture, rape and the disproportionate use of force. The report also noted that freedom of the press had been temporarily restricted and that little action had been taken to investigate allegations of human rights abuses and criminal acts committed during the events. The Commission recommended the establishment of a committee, to include the international community, to follow up its findings and recommendations.

9. On 7 and 8 August, an informal round table organized by MINURCAT and hosted by the Swedish Ministry of Foreign Affairs took place in Stockholm, bringing together over 30 representatives of the United Nations, the European Union, EUFOR, the African Union, the Organization of the Islamic Conference, the Francophonie and the Governments of Chad, Austria, Canada, China, the Congo, France, the Libyan Arab Jamahiriya, Sweden, the United Kingdom and the United States. Participants expressed appreciation of the Dakar process as a valuable regional peace initiative, underlined the urgent need for improved security conditions in eastern Chad and welcomed the deployment of the Détachement intégré de sécurité (DIS).

10. On 15 August, a Chadian court sentenced former President Hissène Habré to death in absentia for allegedly providing "financial, material and moral support" to rebels who attacked the capital in February 2008. Eleven rebel leaders involved in the February attacks were also sentenced to death in absentia.

B. Security

11. The security situation, particularly in eastern Chad, remains volatile. Heavy rains and poor infrastructure blocked movement during the reporting period, and a decrease in the number of skirmishes between the FANT and armed opposition groups was observed.

12. Carjacking, armed robberies and crime targeting national and international humanitarian staff continued during the reporting period. On 7 July, a group of armed men in military uniform forcibly entered the Oxfam compound in Kerfi (45 kms south-east of Goz Beida) and fired about 14 shots. While all civilians escaped unharmed, the compound was damaged. On 8 July, a group of unidentified young men broke into the facilities of International Relief and Development and Médecins Sans Frontières (MSF) in Kerfi. The cause of these attacks is unknown, but presumed to be banditry. All humanitarian relief workers deployed to Kerfi were relocated to Goz Beida. On 10 July, Oxfam, which provides water and sanitation to over 11,000 people in Kerfi, and MSF, which provides vital health services, temporarily suspended their activities in the town. To date, only essential activities (water and health care) are maintained in the area.

13. On 26 July, two unidentified armed persons shot at two International Committee of the Red Cross (ICRC) vehicles about 100 metres from the ICRC compound in Abéché. One international staff person who was seriously injured was transferred to the EUFOR hospital in Abéché for surgery and subsequently evacuated to Europe. On 5 August, an MSF staff member was attacked and stabbed several times in N'Djamena. The attacker was arrested on the spot.

C. Humanitarian situation

14. Eastern Chad currently hosts over 290,000 refugees and more than 180,000 internally displaced persons, who continue to rely on humanitarian aid for their survival. Up to 700,000 individuals among the host communities are also estimated to have humanitarian needs. The security situation continues to seriously undermine the capacity of humanitarian workers to deliver assistance. Over $1.5 million worth of non-food items and vehicles were lost during the 15 June attacks by armed

opposition groups in eastern Chad. Insecure conditions have compelled humanitarian workers to apply more rigorous and restrictive security measures.

15. Protection issues continue to be of great concern. Vulnerable groups, particularly women and children, are often the target of attacks by armed elements. Refugee camps in eastern Chad have become increasingly militarized. It has been reported that displaced persons sites and local villages have been targeted for forced recruitment.

16. Investigations into criminal acts by the local authorities, if they take place at all, are usually not completed. Since the attack on its staff member on 26 July, ICRC has suspended its activities in displaced persons sites pending an investigation into the incident by national authorities.

17. The rainy season has hindered humanitarian access to some locations in eastern Chad. Koukou, in Dar Sila, which is host to some 60,000 internally displaced persons and refugees, has become virtually isolated due to impassable roads. MINURCAT has assisted the humanitarian community in providing logistical air support for the provision of life-saving assistance. Torrential rains at the end of July and early August resulted in the loss of lives and flooding of houses and infrastructure.

18. While the security situation is not conducive to the sustainable return of the displaced population in eastern Chad, limited spontaneous movements have been reported. Up to half of the internally displaced have left sites in Arkoum and Goudiang in the Ouaddai region, while in Dar Sila several thousand have returned to their villages of origin to harvest their crops prior to the rainy season.

19. On 25 July, at a meeting of the Inter-Agency Standing Committee chaired by the Humanitarian Coordinator, humanitarian actors in eastern Chad voiced serious concern at the limited action taken by the Government against perpetrators of criminal acts including death threats, harassment, intimidation, theft and car hijacking. This has severely limited the delivery of humanitarian assistance in many parts of eastern Chad.

III. Developments in the Central African Republic

20. In the Central African Republic, a comprehensive peace accord was signed on 21 June between the Government and the rebel groups of the Armée pour la restauration de la république et la démocratie (APRD) and the Union des forces démocratiques pour le rassemblement (UFDR). On 9 July, the Government announced that the armed groups that had not signed the agreement, including the Front démocratique du peuple centrafricain (FDPC) and the Union des forces républicaines (UFR), were ready to sign it in Tripoli between 21 and 23 July. The signing ceremony was postponed owing to a contentious article on the promulgation of an amnesty law for crimes and offences committed by APRD, FDPC and UFDR.

21. On 12 July, the Multinational Force of the Central African Economic and Monetary Community (FOMUC) transferred its operational responsibility to the Mission for the Consolidation of Peace (MICOPAX) under the authority of the Economic Community of Central African States. This peacebuilding mission, in addition to having combat troops, police and gendarmes, will incorporate a civilian branch which is intended to help revive political dialogue.

IV. Implementation of the Mission's mandate

22. As of 25 August, the strength of MINURCAT stood at 724, including 200 United Nations police officers and 38 military liaison officers. The Mission is currently deployed in N'Djamena, Abéché and Bangui. Deployment to Goz Beida, Farchana and Birao has started and is currently ongoing. The MINURCAT Police Commissioner, Major General Gerardo Chaumont (Argentina), took up his duties in Chad on 9 August.

A. Police

23. During the reporting period, MINURCAT rehabilitated the DIS training centre at the National Police Academy and conducted a training course for 231 DIS elements, which ended on 4 August. The total number of trained DIS officers now stands at 324. The selection of the second class of officers to be trained is ongoing. So far 152 gendarmes have been selected, including 135 currently working with the Office of the United Nations High Commissioner for Refugees (UNHCR) under the National Commission for Aid to Refugees.

24. The memorandum of understanding between the Government and MINURCAT on United Nations support for DIS was signed in N'Djamena on 14 August. A presidential decree officially establishing DIS should be issued shortly. Thereafter, and pending improvements in logistical support, the first batch of 100 DIS officers will be deployed to Abéché, Farchana and Goz Beida, the DIS senior command will be appointed and specific assignments of the 71 DIS commanders clearly defined.

25. In Abéché, United Nations police officers conducted foot and mobile patrols to liaise with the population and national counterparts. MINURCAT police and judicial officers have conducted sensitization meetings in eastern Chad, in coordination with local prosecutors, to enhance awareness of the mandate of MINURCAT and DIS activities. Coordination mechanisms between DIS and other law enforcement agencies, including the *Garde nomade*, local police and gendarmerie, have been developed to facilitate law and order operations.

26. In the Central African Republic, MINURCAT, in coordination with the United Nations Peacebuilding Support Office (BONUCA), liaises on a regular basis with police authorities in Bangui to provide technical advice on ways to strengthen law enforcement in the north-eastern part of the country. One United Nations police officer has been deployed to Birao to liaise with local authorities and law enforcement entities.

B. Justice and corrections

27. During the reporting period, the MINURCAT judicial advisory and corrections units continued to establish relations with national counterparts. Based on the recommendations of the inter-agency justice and corrections planning mission, led by the Department of Peacekeeping Operations, MINURCAT will focus its justice activities on support for the implementation of the DIS concept of operations through the development of a tracking mechanism for arrests and detentions; support for strengthening judicial institutions and the harmonization of traditional

justice with the modern judicial system; and the facilitation of access to justice for all, with a focus on vulnerable groups.

28. During the reporting period, four needs assessments were carried out in Abéché, Goz Beida and N'Djamena prisons. In collaboration with the gender unit, the corrections unit advised and facilitated medical service delivery for expectant and nursing mothers in custody; provided advice on classification and accommodation mechanisms applicable to both sexes and on the management of homosexual persons in custody; collaborated with the Ministry of Social Affairs on juvenile issues; and assisted in the development of reintegration programmes for women and juveniles in custody.

C. Civil affairs

29. During the reporting period, MINURCAT strengthened its political and civil affairs presence in the field, particularly in Abéché, and made several field visits to Farchana, Iriba and Goz Beida. Concerns raised by the local population during these visits include access to basic community services (health, education, water and cultivable land), peaceful cohabitation between internally displaced and host communities, integration of the internally displaced in host communities, and access to community services in villages of origin, prior to return. The Mission will follow up on these issues with local authorities and communities.

30. On 14 August, MINURCAT initiated a high-level visit to Kerfi with the Governor of the region of Dar Sila, and representatives of the Coordination nationale d'appui à la force internationale au Tchad (CONAFIT), United Nations agencies and non-governmental organizations. The team met with local authorities and representatives to assess the situation following inter-ethnic clashes on 8 July 2008. As a result of the visit, leaders of the Mouro and Dadjo ethnic groups, which participated in the July clashes, agreed to work together in developing the region. In this regard, MINURCAT will implement a quick-impact project in the region to support community reconciliation activities.

31. Four quick-impact projects are being developed in the following areas: road construction to support the return of internally displaced persons, agricultural kits for displaced persons returning to home villages, construction of a cereal mill to benefit vulnerable populations, and access for refugee and displaced women to radio broadcasts designed to help improve their living conditions. The projects will be implemented in association with United Nations partners and non-governmental organizations.

32. During the period under review, MINURCAT strengthened its collaboration with non-governmental organizations and United Nations agencies in the field, in particular UNHCR in refugee camps and internally displaced persons sites, to facilitate intercommunal dialogue. MINURCAT is also working with CONAFIT on the implementation of an Agence française de développement programme on intercommunal dialogue and with the European Union in the framework of the Programme d'assistance et d'accompagnement à la stabilisation à l'est du Tchad. The two programmes will include a total investment of 20 million euros during a three-year period.

D. Human rights

33. The overall human rights situation remains a concern, particularly in regard to impunity and sexual violence. Reports have been received of arbitrary killings and extrajudicial executions committed by government, rebel and unidentified armed elements. MINURCAT has also received reports of rape and other forms of gender-based violence perpetrated by armed elements in internally displaced persons sites, refugee camps and surrounding villages. The victims are sometimes as young as 11 years old. Little or no action has been taken by the authorities to hold perpetrators accountable.

34. With support from the Office of the United Nations High Commissioner for Human Rights (OHCHR) and in collaboration with national partners, MINURCAT is taking steps to strengthen the promotion and protection of human rights in eastern Chad. MINURCAT participated in a workshop convened by the Ministry of Human Rights and Civil Liberties on the validation of the terms of reference for a national forum on human rights, with a view to generating a national action plan for the promotion and protection of human rights. MINURCAT will support the implementation of the plan. MINURCAT has also conducted several joint field visits with the Ministry of Human Rights to strengthen collaboration with local authorities.

35. On 23 August, senior MINURCAT personnel accompanied the Minister for Human Rights to the internally displaced persons site of Arkoum located in the Ouaddai region near the border with the Sudan, where the Minister witnessed first-hand the situation of internally displaced persons. She promised to bring her field assessment to the attention of President Deby and to enhance her Ministry's efforts to find a lasting solution to the problems of the country's internally displaced persons.

E. Humanitarian liaison

36. During the reporting period, the Mission worked closely with United Nations agencies, programmes and funds and other partners through its humanitarian liaison unit to share information, tools and expertise with the international community, including non-governmental partners, to achieve common goals and enlarge humanitarian space.

37. From 5 to 7 August, within the framework of the protection of civilians, MINURCAT and the Office for the Coordination of Humanitarian Affairs organized civil-military workshops in Goz Beida and Farchana to improve information-sharing and coordination between the humanitarian community, MINURCAT and EUFOR.

F. Gender

38. During the period under review, MINURCAT strengthened its coordination mechanisms with all relevant ministries in Chad to increase the number of women involved in security matters, especially with regard to the protection of women and children in refugee camps and internally displaced persons sites.

39. Security Council resolutions 1325 (2000) and 1820 (2008) reinforce the responsibility of peacekeepers to prevent and combat violence against women. MINURCAT has undertaken a number of sensitization activities to combat violence against women and girls, especially with regard to their protection in refugee camps and internally displaced persons sites.

40. Sensitization activities on resolutions 1325 (2000) and 1820 (2008) were also conducted in early August for civil society organizations, local authorities and law enforcement agencies to promote a deeper understanding of the resolutions and to inform all actors involved of the mandate of MINURCAT. The Mission has also drafted a code of conduct with respect to the prevention of gender-based violence and resolutions 1325 (2000) and 1820 (2008). Town hall meetings were convened to disseminate and address the main principles enshrined in the code of conduct.

41. MINURCAT has also trained DIS on issues related to gender-based violence to enhance its capacity to protect women and children in refugee camps and internally displaced persons sites. Tools to track and record incidents of gender-based violence have been developed. Over 50 women from civil society organizations have been trained in the prevention of and response to sexual and gender-based violence to enable them to react effectively to the needs of battered women and survivors of sexual abuse in the camps.

G. Mission support

42. During the reporting period, MINURCAT increased its capacity to deploy its personnel to the east by constructing accommodation and working space using its own resources and renting premises for this purpose. This has enabled the additional deployment of personnel, particularly in Abéché.

43. A commercial camp construction contract was signed on 30 July with an international contractor. The deployment of the contractor is expected to be completed by the end of September.

44. The extreme operating conditions outside N'Djamena, including limited local infrastructure, poor roads and the security environment, continue to affect the deployment of MINURCAT personnel. Moreover, the rainy season has caused logistical difficulties in the construction of sites and deployment of personnel.

H. Safety and security

45. During the reporting period, the security phase remained at IV in northern and eastern Chad and III in the capital and southern areas. The security phase in eastern Chad is at phase IV due to continued border tensions and banditry.

46. Security awareness is being reinforced in close cooperation with Chadian authorities and EUFOR. The security management programme is being reviewed to reflect EUFOR support for security and protection.

I. Military liaison

47. To date, MINURCAT has deployed 38 military liaison officers within the area of responsibility, including Farchana, Goz Beida, N'Djamena and Birao. During the reporting period, these officers strengthened their cooperation with EUFOR, particularly in regard to the exchange of information to build common situational awareness and on security-related matters. The officers also increased visits to communities to establish relations with local authorities, strengthened coordination of activities with key humanitarian aid agencies and established a liaison mechanism wi h the national armed forces.

V. EUFOR deployment

48. The deployment of EUFOR has been completed and the force now comprises 3,300 troops, of whom approximately 200 are located in the Central African Republic.

49. During the reporting period, the operational profile and footprint of EUFOR has increased, resulting in a greater awareness concerning security conditions, criminality and banditry incidents within the area of operations. In addition, EUFOR now has a substantial and permanent presence in the Iriba area with the arrival of the Polish contingent. Patrols across the area and high-visibility operations are being carried out.

VI. United Nations-European Union midterm review

50. In its resolution 1778 (2007), the Security Council requested me to report to it, six months after the European Union declared the initial operating capability of EUFOR, on the arrangements for following up the EUFOR presence at the end of its one-year mandate, including a possible United Nations operation. To that end, the Council requested the United Nations and the European Union to perform an evaluation of the needs on the ground. Accordingly, a United Nations-European Union team visited Chad and the Central African Republic from 18 to 24 June. The team consisted of representatives of the Departments of Peacekeeping Operations, Field Support, Political Affairs and Safety and Security, as well as the Office for the Coordination of Humanitarian Affairs, UNHCR, OHCHR, MINURCAT, the European Union, the European Commission and EUFOR.

51. The team consulted closely with the national authorities, the diplomatic community, non-governmental organizations and the United Nations country team and was accompanied in its field trips by a representative of CONAFIT. The team visited Abéché, Farchana, Goz Beida, Iriba and Birao.

A. Key findings in Chad

52. The 290,000 refugees and 180,000 internally displaced persons in eastern Chad continue to be gravely affected by internal and cross-border hostilities. The security situation has deteriorated in the past six months, seriously undermining the capacity of humanitarian workers to deliver assistance. Carjackings, armed

robberies and crime targeting national and international humanitarian staff continue regularly. So far in 2008, six humanitarian aid workers have been killed and 107 security incidents involving humanitarian workers have been reported. The killing on 14 May of two gendarmes of the National Commission for Aid to Refugees near the Touloum refugee camp underlines the risks incurred by those responsible for securing the areas in and around the camps and escorting humanitarian workers.

53. In the past year, the refugee camps and internally displaced persons sites have become increasingly militarized. Reports of armed men and heavy arms in the camps, as well as recruitment of children and young adults, are a cause of deep concern. Reports have also been received of acts of sexual and gender-based violence and other serious violations of human rights in the refugee camps, internally displaced persons sites and other areas in eastern Chad. The continued erosion of the civilian and humanitarian nature of the camps and sites poses serious protection risks for the people living in and around them.

54. While the midterm review noted that EUFOR was beginning to have a positive effect in deterring security threats, during the team's visit MINURCAT was still at the early stages of its deployment into eastern Chad and DIS had not yet begun to deploy. Hence, it is not yet possible to fully determine the impact on the security situation of the combined EUFOR, MINURCAT and DIS mandates. In the meantime, however, humanitarian access has decreased as security conditions have forced aid workers to limit operations.

55. A key issue in improving security is impunity for acts of banditry and violations of human rights. While the deployment of DIS and the rule of law programme of MINURCAT and its partners will help strengthen administrative capacity, it is necessary for these efforts to be matched by actions on the part of the Government to act with all transparency in ensuring that crimes are investigated and those found accountable are brought to justice.

56. The voluntary return of internally displaced persons in conditions of safety and security has been undermined by local tensions over scarce resources, which have been manifest in violence among ethnic groups. These tensions are particularly acute in the Dar Sila region.

57. The security of internally displaced persons and vulnerable populations in eastern Chad has also been affected by the activities of armed opposition groups. The intermittent attempts by these groups to attack N'Djamena and their forays into eastern Chad from bases on the Sudanese side of the border have created a general atmosphere of volatility in the area. Some parties have called upon the United Nations to create a border monitoring mechanism to deter the cross-border activities of these groups. After careful assessment, the Secretariat has concluded that monitoring, let alone securing, the border between Chad, the Sudan and the Central African Republic would be a virtually impossible task. This task would be extremely manpower intensive and there is no guarantee that monitoring cross-border activities in one area would not simply push them to another area. More fundamentally, however, the cross-border concerns of Chad and the Sudan related to support of rebel groups can only be addressed through political dialogue and cooperation.

58. The only sustainable solution to insecurity created by the Chadian armed opposition groups is for these groups to give up their quest to take power by force

and to engage in constructive dialogue with the Government to peacefully address their underlying grievances. Broad and sustained efforts at the national level to establish a more inclusive Government and implement the 13 August 2007 agreement on electoral reforms would also help build the trust necessary for all concerned to constructively engage in peaceful dialogue.

59. The use of Chadian territory as a rear base by the Justice and Equality Movement (JEM) and of Sudanese territory as a rear base by Chadian armed opposition groups has significantly heightened regional tensions. While the risk of direct hostilities between Chad and the Sudan is not deemed to be high, the continued support of these groups undermines the Chadian and Darfurian peace processes and regional peace and security.

B. Key findings in the Central African Republic

60. In the Central African Republic, the mandate provided to EUFOR and MINURCAT under resolution 1778 (2007) was related to the security threat created by a possible spillover of the Darfur conflict and the infiltration into Chad of Chadian armed opposition groups along the Sudan/Central African Republic/Chad axis in the north-eastern part of the country. The United Nations team visited Birao and discussed the security situation with representatives of EUFOR, MINURCAT and the humanitarian community stationed there. The main security threats to the population, including the 3,900 Darfurian refugees and 20,000 internally displaced persons, and to humanitarian workers consist of common and petty crimes, roadblocks and banditry. While it cannot be ruled out that armed elements would cross the Sudanese border into the region, the team did not assess an immediate threat of spillover of the conflict in Darfur into the area. In this context, the current activities of EUFOR include limited patrolling in and around Birao and securing the airstrip.

61. During its visit to Bangui, the United Nations-European Union team met an inter-ministerial committee chaired by the Prime Minister. On that occasion, representatives of the Government requested that the United Nations take over from EUFOR in order to address possible cross-border violence from Darfur.

62. The high level of poverty and unemployment aggravated by arrears in salary payments to civil servants and military personnel, poorly motivated state security forces, banditry, the proliferation of small arms and relative impunity can create a volatile environment and affect the safety and security of United Nations staff throughout the country. The recent increase in support to the Government from BONUCA, UNDP, the Peacebuilding Commission and other donors to strengthen the rule of law, security sector reform and disarmament, demobilization and reintegration programmes in the country is a positive development. In this connection, the Department of Political Affairs is leading a United Nations system integrated task force to ensure that United Nations support is as targeted and effective as it can be in meeting the critical peacebuilding needs of the Government.

VII. Expanded MINURCAT presence post-EUFOR

63. In the light of the findings reported above on the continued security threats and risks in eastern Chad, the Secretariat has developed recommendations for an enhanced MINURCAT mandate that would include a military force to take over from EUFOR at the end of its mandate on 15 March 2009, and the use of the Mission's good offices to assist the Government and relevant stakeholders in addressing the underlying causes of insecurity in eastern Chad related to the safe and voluntary return of refugees and internally displaced persons.

64. Given the significant capacity-building requirements of the Central Africa Republic in security sector reform, rule of law and disarmament, demobilization and reintegration, I am taking steps to ensure that the support provided by BONUCA, the Peacebuilding Commission and the United Nations system is targeted and effective in meeting the priority needs of the Government. Hence, the enhanced mandate of MINURCAT would concentrate on eastern Chad, with a limited military contingent in the north-eastern part of the Central African Republic.

A. Concept of operations

65. The area of operations of the MINURCAT force in eastern Chad would include the Ennedi Est department and the Wadi Fira, Ouaddai and Salamat regions. Acting under Chapter VII of the Charter of the United Nations, and once fully deployed, the force would provide the security necessary to protect civilians at risk, enhance the delivery of humanitarian assistance and the implementation of the MINURCAT mandate, and protect United Nations personnel and installations. These objectives would be achieved through a concept of deterrence based on force presence. The force would require specific capabilities and enabling elements to carry out this concept.

66. The impartiality of the force would be fundamental to its success. The force's impartiality would be exercised through liaison with all armed elements in the subregion, including the armed forces of Chad and any other armed elements with influence in the area of responsibility.

67. In order to provide security, it is essential for the force to enjoy full freedom of movement, including unimpeded access to airfields and roads. The force will also require the full cooperation of local authorities in the deployment of its personnel and contingent-owned equipment, including along its main supply routes in Chad that may be outside the military area of responsibility in order to ensure the security of supply lines. To ensure its freedom of movement, the force would require mobility assets integral to the military component. Owing to the terrain and distances involved, this could only be achieved by a robust military helicopter fleet.

68. The challenging physical environment of the area of responsibility, in particular the scarcity of water resources, would constrain the size of the force and necessitate force multipliers such as aviation assets that cannot, given austere conditions, be replaced by higher troop numbers. An effective force would therefore be reliant on aerial mobility, and the availability of these assets from troop-contributing countries (TCCs) should be considered.

69. The vast size of its area of responsibility and the fluidity of the security environment would also demand that the force have operational and tactical flexibility. Highly mobile and responsive reserves would be critical in this regard. An information, surveillance and reconnaissance capability would also be required to gather situational awareness, demonstrate presence and provide deterrence. Situational awareness would provide the necessary information to deploy the mobile reserves to identified areas of tension and emerging crises. The mobile reserves would also increase the capacity of the force to support specific humanitarian and other protection tasks.

70. Owing to the volatility of the security situation, the force would require an "over the horizon" capability of approximately a battalion group with appropriate support requirements, ready to deploy expeditiously should the security situation rise to levels beyond the capacity of a United Nations force. This would be especially required during the vulnerable period of transition from EUFOR to the United Nations force and before the latter is fully operational.

71. The sustainability of the force will be critical to its effectiveness given the remote and austere conditions in eastern Chad and the north-eastern Central African Republic. In this regard, it will be essential that the Governments of Chad and the Central African Republic hand over all EUFOR sites and facilities to the United Nations force. If these sites and all facilities are not handed over to the United Nations well in advance of the transition to a United Nations force, it is estimated that it will take more than one year to establish the sites necessary for United Nations troop reception. Assuming that the United Nations will inherit all EUFOR sites, it will be necessary to expand them and build some additional sites to accommodate the United Nations force. Moreover, infantry battalions would need to be self-sustaining. Sufficient engineering and logistic capabilities will also be required, including light field engineer capacity within each battalion, for the initial 12-month period of its deployment.

72. In order to achieve the required effect, the force should be led by high-quality commanders and provided the necessary capabilities, selected by the United Nations. In this regard, and in accordance with the Brahimi report (S/2000/809), it would be recommended that the Security Council consider leaving in draft form the resolution authorizing the deployment of the force until such time as the Secretariat has firm commitments of troops and other critical mission support elements from Member States.

B. Force requirements

73. The force would be headquartered with a liaison office and small staff in the MINURCAT headquarters in N'Djamena. Military operations would be controlled from a forward headquarters in Abéché within the Mission's forward headquarters. The force would be structured into three battalion group sectors: north (Iriba, Bahai), centre (Abéché, Farchana) and south (Goz Beida).

74. The force would be structured as an enhanced infantry brigade, including four infantry battalions. A battalion would be deployed to each of the three sectors (total of three deployed battalions). The force reserve would have designated tasks for the conduct of security operations on the main supply routes in Chad. A military air component of 18 utility helicopters and an armed aerial reconnaissance unit would

provide the necessary aviation assets to support the concept. A quick-reaction force would be required at force and sector levels in accordance with normal operating procedures. A force reconnaissance company and military liaison officers would further enhance the Mission's situational awareness.

75. Military logistic enablers would be based on a centralized concept, with assets controlled at Mission level. A reserve battalion would be based in Abéché and deployable to up to three locations simultaneously, at half-company strength. The force would include centralized logistic and transport units that would deliver support to the sectors. An engineer battalion would also have the capacity to operate in three locations simultaneously. The advantage of centralizing these assets is a lower troop ceiling (an important factor given the water shortage), the allocation of assets to tasks on a Mission priority basis, and easier command and control of the reserve, thus enabling a larger decisive force to be brought to bear on a single crisis.

76. It is assessed that upward of 6,000 United Nations troops would be required to implement this concept in eastern Chad. This figure does not include the "over the horizon" force noted in paragraph 70 above. It should be noted in this regard that, as a bridging operation to a potential United Nations force, the European Union planned to deploy 3,700 troops in addition to logistic and aerial support provided on a bilateral basis. Hence the size of both concepts is very close in number.

77. With regard to the Central African Republic, while the security situation in the EUFOR area of operations is relatively benign, a continued military presence in the north-east could have a positive impact on security by deterring criminal activities and other acts of violence which constitute the greatest threat to civilians in that region. Should the Council authorize such a presence, the United Nations military requirements for this force would have to be further assessed. The troop numbers for this force would be in addition to the requirements noted above for eastern Chad. It should be noted that the support requirements for such a presence would be challenging, given the remoteness of the region and its distance from the remainder of the force. Support to these troops and implementation of their mandated tasks would require a concept based on aviation assets. In the meantime, it would be important to enhance the activities of BONUCA to ensure proper support to the peacebuilding needs of the Central African Republic.

C. Support requirements

78. In planning for MINURCAT to take over from EUFOR, the United Nations will face numerous challenges related to the remoteness of the area, which is sustained through extraordinarily long supply routes with limited transportation resources. The number, capacity and condition of airfields will also limit the capacity for rapid deployment. Owing to the limited availability of potable water, both MINURCAT and EUFOR continue to face considerable challenges in meeting their daily water requirements. These challenges together with the timing and severity of the rainy season will present daunting difficulties for the establishment of the United Nations force and effective handover of responsibilities from EUFOR to the United Nations.

79. As noted above, the most critical factor in the ability of MINURCAT to replace EUFOR in a timely manner will be a binding agreement from the Government of Chad six months before the transfer of authority from EUFOR to the

United Nations that the United Nations will assume ownership of all sites developed by the European Union together with the related infrastructure. During this six-month period, considerable engineering work will be required to expand and upgrade existing EUFOR camps and to construct new camps in areas where EUFOR does not have the necessary infrastructure (primarily in Guéréda and Bahai) so that incoming United Nations troops are operational on the date of transfer of authority. Existing airfields will also need to be improved to deploy and sustain the United Nations force upon transition.

80. Due to the difficult physical, operational and security environment, frequent disruptions of the supply chain are likely. In order to ensure that MINURCAT is able to put all administrative and logistics arrangements in place prior to the arrival of the main components, it would be crucial to deploy the enabling capability such as aviation, medical, engineering and logistics as a first step. These elements would have to be in place before the transfer of authority, although this could be achieved with the re-hatting of existing suitably capable EUFOR troop contributors.

81. An expanded Mission would need to be supported through two main supply routes, namely Douala in Cameroon and Benghazi in the Libyan Arab Jamahiriya. To ensure the uninterrupted flow of supply and materials, the cooperation of the Governments of Chad, the Libyan Arab Jamahiriya and Cameroon will be critical. The existing MINURCAT logistics base in N'Djamena and forward logistics base in Abéché will be expanded to meet the increase in requirements. Critical contracts, including rations, fuel, camp services and construction services among others, will have to be operational well before the commencement of transition. To ensure a seamless transition, MINURCAT will require continued guaranteed support from the existing EUFOR contracts under the current technical agreement until United Nations contracts are put in place.

D. Détachement intégré de sécurité

82. MINURCAT will continue to support the establishment of DIS. The Government of Chad has requested that the total strength of DIS be raised from 850 to some 1,700 elements. The Department of Peacekeeping Operations will examine this request on the basis of lessons learned and a needs assessment mission after the first elements of DIS have been deployed. It is therefore critical that the presidential decree enabling the deployment of DIS to eastern Chad be issued at the earliest possible date. An expanded area of operations of DIS may necessitate a review of the concept of operations of the proposed United Nations military force in order to ensure that the force has the capability to ensure the security of United Nations police deployed to monitor and provide on-the-job training for DIS elements. It may also necessitate the expanded deployment of human rights, rule of law and civil affairs elements of the Mission. Any additional military, police and civilian personnel requirements would be presented to the Security Council, with the requisite support and financial implications.

E. Peace aspects of the Mission's mandate

83. The expansion of MINURCAT to include a military component would only be effective if in addition to its present police, rule of law, human rights and civil

affairs mandate, the Mission were mandated to support Chadian stakeholders in addressing underlying causes of insecurity relevant to the safe and voluntary return of refugees and internally displaced persons. In this connection, the technical assessment mission recommended that MINURCAT undertake additional tasks to assist the Government in strengthening mechanisms to ensure a stable and peaceful environment and, in this regard, provide its good offices to:

(a) Support national and local authorities in resolving local tensions to enhance the environment for the return of internally displaced persons;

(b) Support the Government's efforts to end impunity for crimes against civilians and humanitarian workers;

(c) At the regional level, continue to play a role as observer with the African Union-United Nations Hybrid Operation in Darfur in the contact group that was established under the 13 March Dakar Accord to monitor its implementation and assist, as necessary, the Governments of Chad and the Sudan in building good neighbourly relations.

84. On 1 and 2 September, I dispatched the Assistant Secretary-General for Peacekeeping Operations, Edmond Mulet, to Chad and the Central African Republic to discuss the recommendations outlined in the present report with Government officials. Mr. Mulet met with Presidents Deby and Bozizé as well as other senior Government officials. In Chad, President Deby agreed to the deployment of a United Nations follow-on operation, including a military component, to replace EUFOR. The President recognized that further progress was required in the implementation of the 13 August agreement and noted that the European Union and UNDP were assisting the Government to that end. In that regard, President Deby requested that the United Nations follow-on presence remain within the framework provided under Security Council resolution 1778 (2007) to address the spillover of the Darfur crisis and help create conditions conducive to the return of refugees and internally displaced persons. President Deby called for greater support for the internally displaced and an increase in the MINURCAT presence at the sites. The President also appealed to the international community to address the causes and consequences of the Darfur crisis.

85. In the Central African Republic, President Bozizé requested that a United Nations military follow-on operation replace EUFOR. The President highlighted the peculiar security situation in the northern part of the country and expressed the view that a United Nations military presence could play a deterrent role and minimize the possibility of a security vacuum that could derail the security sector reform and peace processes.

86. On 3 September, Mr. Mulet met with General Patrick Nash, EUFOR Force Commander, at his base in Paris to report on the results of his visit to Chad and the Central African Republic. Their discussions included the identification of steps required to ensure a transfer of authority on 15 March 2009 with a particular focus on avoiding any security gap in the area of operations.

VIII. Financial implications

87. The General Assembly, by its resolution 62/233 B of 20 June 2008, appropriated the amount of $315.1 million for MINURCAT for the period from 1 July 2008 to 30 June 2009.

88. Should the Security Council approve my recommendation for the establishment of a United Nations military force to take over from EUFOR and an expanded mandate of MINURCAT, it will be my intention to absorb the related resource requirements within the appropriation provided for the Mission by the General Assembly for the 2008/09 period. In the event expenditures incurred by MINURCAT exceed the appropriation, I shall seek from the Assembly additional funding for the Mission in the context of its budget performance report for the 2008/09 period.

89. Information on financial implications for the 12-month period arising from my recommendations will be provided to the Council shortly in an addendum to the present report.

90. As at 30 June 2008, unpaid assessed contributions to the Special Account for MINURCAT amounted to $45 million. The total outstanding assessed contributions for all peacekeeping operations amounted to $1,671.4 million.

IX. Observations and recommendations

91. The underlying causes of insecurity and instability in Chad, the Central African Republic and the subregion are complex. Regional and local tensions, poverty, weak institutions and poor infrastructure compound the difficulties faced by local authorities in finding peaceful and sustainable mechanisms to address the causes and consequences of insecurity and violence. Nevertheless, there has been some progress during the reporting period in consolidating peace and stability in Chad and the Central Africa Republic and I commend the leaders of these countries for their efforts in this regard.

92. The Government of Chad should continue to take bold and decisive steps to bring immediate protection to civilians at risk, end any support provided on its territory to JEM, and offer the armed opposition a viable mechanism to address their grievances without resort to arms. While the rule of law and human rights programmes of MINURCAT and its partners can help to build the necessary judicial capacity, the Government must show the political will necessary to stop impunity and take immediate and concrete steps to investigate crimes and bring perpetrators to justice. Such steps would go a long way in increasing confidence in the Government's determination to provide security for its people and ensure transparent governance.

93. The Government of the Sudan should also continue to show good will in normalizing relations with Chad and take steps to stop any support provided to Chadian armed opposition groups on its territory. Both Governments must enter into a meaningful dialogue on how they can together stop illegal cross-border activities. MINURCAT and the Joint African Union-United Nations Chief Mediator for Darfur stand ready to assist the Governments in this regard. Improved relations between

Chad and the Sudan will contribute to creating a safe and secure environment for the implementation of the mandate of MINURCAT.

94. I commend the efforts of the Government of the Libyan Arab Jamahiriya to assist Chadian stakeholders in finding a peaceful means to end the internal armed conflict with armed opposition groups. MINURCAT stands ready to help all stakeholders to ensure that these efforts are inclusive of all parties and that agreements reached are sustained and implemented on the ground.

95. In accordance with the findings and recommendations outlined in the present report, particularly paragraphs 73 to 77 and 83, I recommend that the Security Council consider the establishment, under Chapter VII of the Charter of the United Nations, of a United Nations military force of up to 6,000 troops and logistic enablers to take over from EUFOR. I also call upon Member States with the necessary capabilities to work with the Department of Peacekeeping Operations in establishing an "over the horizon" stand-by presence with appropriate support capability that could be deployed expeditiously to back up the implementation of the Mission's mandate should the security situation rise to levels beyond that of the capabilities of a United Nations peacekeeping operation. I recommend, in accordance with the Brahimi report (S/2000/809), that the Security Council consider leaving in draft form the resolution authorizing the deployment of the force until such time as the Secretariat has firm commitments of troops and other critical mission support elements from Member States. In the meantime, the United Nations would explore with the European Union the possibility of a limited extension of the EUFOR presence to cover any potential gap between the end of the EUFOR mandate and the arrival of the new United Nations force in theatre, should the United Nations face force generation difficulties. The Secretariat will dispatch a team of experts to Brussels and Paris in the coming days to discuss the modalities of transition planning with the European Union and EUFOR counterparts.

96. I firmly believe that an expanded United Nations presence with a military component would best support the protection and return of refugees and internally displaced persons if MINURCAT strengthened its engagement with all actors involved in supporting related aspects of the peacebuilding process in Chad. This engagement would ensure that the activities of MINURCAT contribute to a comprehensive effort to end insecurity and support the voluntary, secure and sustainable return of internally displaced persons and refugees.

97. In regard to the Central African Republic, I believe that the United Nations and donors should consolidate and focus their support in coordination with BONUCA and the Peacebuilding Commission in helping the Government to build its capacity to provide security and basic services for its people, particularly through support for security sector reform, the rule of law and disarmament, demobilization and reintegration of armed elements, and extension of State services.

98. Should the Security Council decide that the post-EUFOR United Nations military force under the MINURCAT mandate should have a presence in the north-eastern Central Africa Republic, the Secretariat would have to reassess the security, protection, support and financial implications of such a force. Any recommendations would be provided to the Security Council at a later date.

99. The deployment of MINURCAT and EUFOR and the establishment of DIS in Chad, as well as the deployment of FOMUC and more recently MICOPAX in the

Central African Republic, have been significant steps in helping the Governments of Chad and the Central African Republic to bring sustainable peace and economic development to their people. The United Nations-European Union-DIS multidimensional presence has been a new experience in peacekeeping. I would like to commend the European Union and the EUFOR troop-contributing States for their efforts in establishing security in the subregion. Collaboration between the United Nations and the European Union has been exemplary. I would also like to thank my Special Representatives for MINURCAT and BONUCA, Victor Angelo and François Fall, and all the men and women of MINURCAT and BONUCA for their untiring efforts and dedication in working for peace and security in the subregion.

United Nations S/2008/601/Add.1

Security Council

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15 September 2008

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Report of the Secretary-General on the United Nations Mission in the Central African Republic and Chad

Addendum

1. Further to my report on the United Nations Mission in the Central African Republic and Chad (MINURCAT) (S/2008/601), I wish to inform the Security Council that the financial implications for the establishment of a United Nations military force to take over from the European Union-led military force in Chad and the Central African Republic (EUFOR) within an expanded mandate of MINURCAT are currently estimated, on a full-cost basis for a 12-month period, at some $615.2 million.

2. The preliminary projections of $615.2 million provide for the full deployment of 6,000 military contingent personnel, including four infantry battalions, an engineer battalion, a military air component of 18 utility helicopters, an armed aerial reconnaissance unit, a quick reaction force and a force reconnaissance company.

3. The projections also provide for the additional deployment of 150 international staff, 140 national staff and 45 United Nations Volunteers, the deployment of additional helicopters, the expansion and upgrading of the existing EUFOR camps, the construction of new camps where EUFOR does not have the necessary infrastructure and the acquisition of essential equipment, including vehicles.

4. An indicative breakdown of the projections for the deployment of the United Nations military force is provided, for information purposes only, in the annex to the present addendum.

5. Should the Security Council decide to establish a United Nations military force within the expanded mandate of MINURCAT, it would be my intention to utilize, to the maximum extent possible, resources already approved by the General Assembly for the Mission for the current financial period ending 30 June 2009, and to include resource requirements arising from the Council's decision in my proposed budget for MINURCAT for the 2009/10 period.

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Annex

Preliminary cost estimates for the establishment of a United Nations military force within an expanded mandate of the United Nations Mission in the Central African Republic and Chad for a 12-month period

(Thousands of United States dollars)

Category	*Cost estimates*
Military and police personnel	
Military observers	—
Military contingents	302 450
United Nations police	—
Formed police units	—
Subtotal	**302 450**
Civilian personnel	
International staff	29 388
National staff	1 962
United Nations Volunteers	2 275
General temporary assistance	—
Subtotal	**33 625**
Operational costs	
Government-provided personnel	—
Civilian electoral observers	—
Consultants	—
Official travel	—
Facilities and infrastructure	163 372
Ground transportation	21 425
Air transportation	69 420
Naval transportation	—
Communications	9 279
Information technology	1 611
Medical	8 262
Special equipment	3 131
Other supplies, services and equipment	2 657
Quick-impact projects	—
Subtotal	**279 157**
Gross requirements	**615 232**

Category	*Cost estimates*
Staff assessment income	2 529
Net requirements	**612 703**
Voluntary contributions in kind (budgeted)	—
Total requirements	**615 232**

United Nations S/2008/602

Security Council

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12 September 2008
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Letter dated 11 September 2008 from the Secretary-General addressed to the President of the Security Council

I have the honour to bring to your attention the attached report of the United Nations fact-finding mission on the prevailing situation between Djibouti and Eritrea.

The fact-finding mission visited Djibouti and Ethiopia from 28 July to 6 August 2008, in accordance with the consultations held by the Security Council on 24 June 2008 on the situation between Djibouti and Eritrea. The mission did not obtain approval from the Eritrean authorities to visit Eritrea.

I should be grateful if you could bring this report and its annexes to the attention of the Security Council members.

(*Signed*) **Ban** Ki-moon

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[Original: English]

Report of the United Nations fact-finding mission on the Djibouti-Eritrea crisis

28 July-6 August 2008

I. Introduction

1. Between 10 and 12 June 2008, serious clashes were reported between the Djibouti Armed Forces (DAF) and the Eritrean Defence Forces (EDF) along the undemarcated border between Djibouti and Eritrea, in an area known as Doumeira.[1] The clashes reportedly caused over 35 deaths and left dozens wounded on both sides, as well as some internal displacement at least on the Djibouti side. The clashes at Doumeira followed several weeks of military build-up and growing tension between DAF and EDF (which were in close proximity to each other) since April 2008. Following contacts with the Permanent Representatives of both countries, and at its request, the Security Council was briefed on the crisis between Djibouti and Eritrea by the Department of Political Affairs at three meetings, on 14 May and 12 and 24 June 2008.

2. In the aftermath of communications from Djibouti and Eritrea to the President of the Security Council, and pursuant to the statement issued by the President of the Council on 12 June (S/PRST/2008/20), in which the Council encouraged the Secretary-General "urgently to use his good offices and reach out to both parties ... to facilitate bilateral discussions to determine arrangements for decreasing the military presence along the border and to develop confidence-building measures to resolve the border situation", the Secretary-General directed the Department of Political Affairs to dispatch a fact-finding mission to the two countries to assess the political, security and humanitarian situation in the area. The mission was initially scheduled to visit Djibouti and Eritrea, as well as Ethiopia: Ethiopia shares a common border with both countries in the area of Mount Musa Ali and is also the current Chair of the Intergovernmental Authority on Development (IGAD). However, it was not possible for the fact-finding mission to visit Asmara or the Eritrean side of the border to ascertain the prevailing situation. In spite of several discussions and requests in New York and Asmara, the Eritrean authorities refused to issue visas to the mission.

3. As a result, the terms of reference of the mission were amended to include only visits to Addis Ababa — for consultations, including with the African Union, the League of Arab States and relevant Ethiopian Government officials — and Djibouti — for consultations with the Djibouti authorities. It was also envisaged that the mission would undertake a field visit to Doumeira and meet with the United Nations country team in Djibouti. The mission was led by Sam Ibok, Deputy Director, Africa II Division, Department of Political Affairs, and comprised the following members: Arnaud Huannou, Political Affairs Officer in the Department of Political Affairs; Douglas Langrehr, Military Planner in the Department of

[1] The Doumeira area comprises a mountain, Ras Doumeira, and the nearby Doumeira Island.

Peacekeeping Operations; and Laurent Dufour, Humanitarian Affairs Officer in the Office for the Coordination of Humanitarian Affairs.

II. Organization of work

Addis Ababa (28-31 July and 4-6 August)

4. The fact-finding mission visited Addis Ababa from 28 to 31 July and 4 to 6 August. In keeping with its terms of reference, the mission discussed the situation between Djibouti and Eritrea with several key interlocutors from the African Union, the League of Arab States and the Ethiopian Ministries of Defence and Foreign Affairs.[2]

Djibouti (1-4 August)

5. While in Djibouti, the mission met with several members of the Government, some key members of the diplomatic corps, the United Nations Resident Coordinator for Djibouti and several colleagues representing various United Nations programmes and agencies.[3] The mission was received in audience by the President of Djibouti, Ismail Omar Guelleh, on the last day of its visit.

6. Throughout its activities in Addis Ababa and Djibouti, the mission sought to organize its work and the execution of its terms of reference to, inter alia, achieve a better understanding of the following critical aspects: (a) the state of relations between Djibouti and Eritrea (both past and present), including an appreciation of the series of conventions, treaties and protocols that defined the frontier between the two territories at different points in the nineteenth and twentieth centuries; (b) the chronology of events that led to the clashes of 10 to 12 June; (c) developments in the border area since the clashes occurred; (d) the current military, security and humanitarian situation in the border area; and (e) the efforts undertaken by the African Union, the League of Arab States and the African, Caribbean and Pacific Group of States to defuse the tension and create an enabling environment for dialogue between the two States.

7. In addition to its meetings and the visit to Ras Doumeira, the mission was able to review a number of reports and other documents describing and analysing the current situation between Djibouti and Eritrea. A better appreciation of the history of the border between the two countries was particularly useful in trying to understand the possible motives behind what had been widely reported as an Eritrean occupation of Djibouti territory in Doumeira since March 2008. As would be expected, such an appreciation was possible only with the full cooperation and facilitation of the authorities in Djibouti.

III. Highlight of the mission

8. The main highlight of the mission's visit to Djibouti was the field trip to Ras Doumeira, along the border with Eritrea, where fighting took place between 10 and 12 June. Prior to driving by road to Ras Doumeira, the mission visited the

[2] See annex II.

[3] See annex III.

headquarters of DAF in Moulhoule, where it received a briefing on the situation at the border, under the auspices of the Djibouti Chief of Staff, General Zakaria Cheikh Ibrahim.

9. The visit to Ras Doumeira was particularly useful in that it allowed the fact-finding mission to (a) be informed about the nature and magnitude of the deployment of the two armies and (b) assess the potential for and the possible impact of a resumption of hostilities in the short and medium terms.

IV. History of the Djibouti-Eritrea border and implications for the status of Doumeira

10. Most of the border between Djibouti and Eritrea was never officially demarcated. An 1897 treaty between France (the colonial power) and King Menelik II of Ethiopia[4] defined the north-eastern section of the border between Djibouti and Eritrea from the northernmost tip of Ras Doumeira to Bissidirou. However, that particular section of the border was never demarcated on the ground. The exact position of the land boundary in Ras Doumeira is critical for establishing whether Eritrea has actually occupied Djibouti territory since March, as claimed by the Djibouti authorities. The position of the borderline would also be critical if the two States were to negotiate their maritime boundary on the Red Sea.

11. The status of Doumeira Island is also yet to be determined. The France-Italy protocols of 1900 and 1901 gave France and Italy joint sovereignty over the island, which the two colonial powers undertook to keep free of occupation, be it by one of them or by third parties. The Djibouti authorities estimate that the protocols reduced the territory of Djibouti by some 2,000 square kilometres by repositioning the land boundary with Eritrea about 40 kilometres below its position under the 1897 treaty.

12. A 1935 agreement between France and Italy allocated Doumeira Island to the then Italian-ruled Eritrea. That agreement also moved the continental frontier further south into territories previously considered to belong to Djibouti under the 1897 treaty and the protocols of 1900 and 1901. Under the 1935 agreement, Ras Doumeira and Doumeira Island, both of which were "seized" by EDF in March 2008, form part of Eritrean territory, by Eritrean reasoning. However, that agreement was never ratified, which is why Djiboutians have all along assumed that the protocols still apply.

13. In January 1954, France and Ethiopia signed a protocol to demarcate the frontier between the French territory of Djibouti and Ethiopia (which then included Eritrea). However, the on-ground demarcation was done only between Dirko Koma (near Mount Musa Ali) and Daddato, leaving the long section of the border that goes from Daddato to the Red Sea undemarcated.

14. From the contacts that the mission had in Djibouti, it emerged that although most of the border was never demarcated, there seemed to be a general consensus (both inside and outside the region) that the borderline between Djibouti and Eritrea should be as stipulated in the protocols of 1900 and 1901. This, the mission was

[4] The 1897 treaty, the 1900 and 1901 protocols, the 1935 agreement and the 1954 protocol are reproduced in annex I below.

informed, was the general understanding of Djiboutians and the basis for their bilateral and fraternal relations with Eritrea.

15. The mission was able to establish that there are major divergences in the views of both countries. For instance, in spite of the general understanding of Djiboutians referred to above, Eritrea made an attempt in 1996 to seize control of Ras Doumeira, including by publishing a border map based on the 1935 agreement. The ensuing dispute between the two countries was short-lived and was resolved through bilateral mechanisms, but the question of the borderline remained unresolved.

16. Some interlocutors of the mission felt that the current tensions could have been avoided if the two countries had reached a final ruling on the position of their border after their 1996 dispute.

V. Chronology of developments leading to the clashes of 10 to 12 June

17. The refusal of Eritrea to receive the United Nations fact-finding mission to ascertain the facts on the ground meant that only the Djibouti version and chronology of events was made available to the mission. During its visit to Djibouti, the mission was given the following chronology of events by the authorities of that country:

(a) 4 February 2008: administrative officials in the Obock region (Djibouti) alert their national authorities to civil engineering works taking place on the Eritrean side of the border. When approached by the Obock administration, the Eritrean workers affirm that the works in question are part of a road construction project that would link Obock to Assab in Eritrea. Since the two countries had previously agreed that Eritrea could construct such a road, the Obock administration presumed that the Eritrean Government would notify the Djibouti authorities before the construction team crossed the border into Djibouti territory;

(b) 10 February: Eritrean road construction machines and personnel cross the border and start construction works in Ras Doumeira without any communication between the authorities of the two countries. Over the period from 15 February to 30 March, the local authorities of Obock make several approaches to their Eritrean counterparts but fail to elicit an explanation for the unauthorized incursion into Djibouti;

(c) Mid-March: EDF elements cross the border in large numbers, occupy Ras Doumeira and Doumeira Island, and proceed to dig trenches and fortifications in the occupied areas;

(d) 7 April: the Prefect of Obock and a Djibouti military officer who intended to visit Ras Doumeira to investigate the situation are turned back by EDF;

(e) 17 April: DAF personnel deploy in Ras Doumeira and position themselves in close proximity to the EDF presence;

(f) 18 April: the Government of Djibouti initiates bilateral diplomatic contacts with Eritrea to obtain the withdrawal of EDF from its territory. The contacts include (i) a diplomatic note to the Eritrean Government, (ii) a telephone conversation between the two Heads of State on 20 April at the initiative of the

President of Djibouti and (iii) a meeting between the two Foreign Ministers on 21 April in Djibouti;

(g) 22 April: the President of Djibouti visits the border area, ostensibly at the suggestion or direct request of the President of Eritrea made on 20 April 2008, when the two leaders engaged in a telephone conversation (the rationale for the request of the President of Eritrea to his Djibouti counterpart was that the capital of Djibouti is closer to the area/border than Asmara). On the ground, the President of Djibouti establishes the fact that EDF has completely occupied Ras Doumeira and erected camps and fortifications, while fast, armed patrol boats and another patrol vessel have docked at the creek adjacent to Ras Doumeira. Following the visit of the President of Djibouti to the border, subsequent efforts to contact his Eritrean counterpart, to share his findings with him, are unsuccessful. The President of Djibouti is repeatedly told that his Eritrean counterpart is unavailable to take his calls;

(h) 23 April: Eritrean authorities refuse to receive the Foreign Minister of Djibouti, who was dispatched by his President to visit Asmara. The Foreign Minister was carrying a letter from the President of Djibouti to his Eritrean counterpart;

(i) 23 to 28 April: the Djibouti Ambassador to Eritrea tries unsuccessfully to engage the host Government on the growing dispute;

(j) 24 April: a meeting between two high-level military officers of the two countries is held in Ras Doumeira to discuss the situation. A Joint Military Committee comprising senior officers of the two countries is established to monitor the military situation and create a buffer between the positions of the two armies. Unfortunately, this is the first and last meeting of the Committee. All subsequent attempts by DAF to re-establish contact with EDF fail. The General who led the EDF delegation to the meeting of 24 April is never to be seen or heard from again;

(k) Mid-April to 10 June: while EDF and DAF are positioned at the border within a few metres of each other, over 50 Eritrean soldiers of various ranks (the exact number is yet to be established) desert their army and seek asylum on the Djibouti side. The deserters receive the protection of DAF, which refuses to heed appeals from EDF to return them. EDF issues several ultimatums and threatens reprisals if the deserters are not returned;

(l) 10 June, 1215 hours: another EDF officer deserts and crosses the border into Djibouti. DAF again offers protection, as had been the case with the previous deserters. Again, EDF commanders demand the return of the deserter, this time within an hour. DAF ignores the ultimatum;

(m) 10 June, 1840 hours: EDF opens fire at DAF while the majority of Djibouti soldiers are busy praying. The ensuing clashes last more than 24 hours. About 44 DAF soldiers are believed killed, 19 are missing in action. The number of casualties on the Eritrean side is unknown, but unconfirmed reports indicate that Eritrean losses are not considerable;

(n) After 10 to 12 June: following the growing expressions of international concern and the deliberations of the Security Council, which, inter alia, called for a pullback of the forces to their previous positions, DAF withdraws to about 4 or 5 kilometres from the Eritrean positions. The fact-finding mission was able to confirm the pullback on the ground. For its part, EDF ignores the calls for a withdrawal from

its positions on the heights of Ras Doumeira, or at least the mission was not able to ascertain the reactions of EDF to the Security Council's call for withdrawal from the newly occupied positions.

VI. Initiatives by the African Union and other organizations and efforts by bilateral actors

African Union

18. On 24 April 2008, the Minister for Foreign Affairs and International Cooperation of Djibouti addressed a letter to the Chairperson of the African Union Peace and Security Council to inform him that Eritrea had been occupying part of the Djibouti territory in Doumeira since 16 April 2008. He requested the Peace and Security Council to send a fact-finding mission to assess the situation. He also recalled that in 1996, Eritrea had made a "military incursion in the area and published a map where the borderline between the two countries had been modified".

19. The 121st, 125th and 130th meetings of the African Union Peace and Security Council, held on 24 April and 2 and 26 May, respectively, reviewed the situation and underscored the urgent need to dispatch a fact-finding mission, as requested by Djibouti. Thereafter, the African Union Commission sent messages to the authorities of Djibouti and Eritrea, informing them that it intended to dispatch the envisaged mission from 5 to 9 June. On 2 June, Djibouti indicated its readiness to receive the mission on the dates communicated. Accordingly, a mission from the African Union Commission visited Djibouti during the aforementioned period. The mission went to Doumeira, where it noted "a very tense situation", with the two armies positioned at "less than three metres facing each other". The African Union mission was also able to observe "important civil engineering works and long trenches dug on the sides of the [Ras Doumeira] mountain". The mission did not receive the approval of the authorities in Asmara to visit Eritrea.

20. At its 136th meeting, on 12 June, the African Union Peace and Security Council received the report of the African Union fact-finding mission and issued a communiqué in which it "noted with regret that the Eritrean authorities had not yet accepted to receive the mission" and "urged the two countries to show utmost restraint" and "resort to dialogue to resolve any bilateral dispute". The Peace and Security Council further "called for the immediate return to the situation prevailing at the common border between the two countries, including the withdrawal from the border of all forces that have been positioned there since 4 February 2008".

21. Up to the time of finalizing the present report, the African Union was still waiting for Eritrean officials to receive its mission. The African Union remains hopeful that, following preliminary contacts between the President of Eritrea and the Chairperson of the African Union Commission on the margins of the Tokyo International Conference on African Development, as well as contacts with the Foreign Minister of Eritrea on the margins of the African Union summit in Sharm el-Sheikh, a long-awaited invitation to Chairperson Ping to visit Asmara and hold consultations with the Eritrean authorities may still be a possibility. However, the African Union also acknowledged its limitations, especially since Eritrea does not attend African Union meetings in Addis Ababa because of its dispute with Ethiopia.

League of Arab States

22. Before the African Union mission, the League of Arab States had dispatched its own fact-finding mission to Djibouti and Eritrea, in early May. The mission was received in Djibouti and benefited from the full cooperation of the Djibouti authorities. The mission also sought to meet with Eritrean officials but was not issued visas to Eritrea. Further to its mission, the League of Arab States urged dialogue between the two countries to resolve the crisis and called on Eritrea to withdraw its troops from Doumeira.

Intergovernmental Authority on Development

23. The 12th IGAD Summit, held in Addis Ababa on 14 June 2008, also discussed the situation between Djibouti and Eritrea. In its final communiqué, the Summit expressed concern over "the recent military attack by Eritrean troops" in Ras Doumeira and "called upon both parties, in particular Eritrea, to accept mediation to resolve the crisis through peaceful means and return to the status quo ante".

24. During the fact-finding mission's discussion with senior officials of IGAD in Djibouti, the subregional body also acknowledged its limitations in dealing with the crisis, considering that Eritrea had suspended its membership in IGAD in April 2007. There are ongoing efforts to encourage Eritrea to return to IGAD. Should those efforts succeed, IGAD could conceivably be positioned to play a role in efforts to defuse the tension between Djibouti and Eritrea.

African, Caribbean and Pacific Group of States

25. A fact-finding mission mandated by the Committee of Ambassadors of the African, Caribbean and Pacific Group of States in Brussels visited Djibouti in late July 2008. The mission met with the President of Djibouti and other Government officials and undertook a field visit to Doumeira. The mission was not, however, able to visit Eritrea, nor was it able to discuss the situation at the Djibouti-Eritrea border with any Eritrean official.

European Commission

26. The European Commissioner for Development and Humanitarian Aid, Louis Michel, seems to be the only publicly known international official who visited Asmara in the immediate aftermath of the clashes of 10 to 12 June. He is reported to have visited Eritrea on 14 and 15 June and conferred with the President of Eritrea, including on the crisis with Djibouti. The United Nations fact-finding mission was unable to meet with Commissioner Michel due to time constraints and scheduling difficulties.

Bilateral efforts

27. Since the outbreak of the crisis between Djibouti and Eritrea, a number of friends and neighbouring countries have offered their assistance to facilitate a peaceful resolution of the dispute. The best known of these offers of facilitation include those from Qatar and Yemen. The outcome of such offers was not disclosed to the fact-finding mission during its visits to Addis Ababa and Djibouti.

VII. Key findings of the United Nations fact-finding mission

A. Military situation in Doumeira

28. From photographs provided by the Government of Djibouti and confirmed during the mission's visit, Ras Doumeira is a barren, rocky feature jutting out into the Red Sea, in an area between Djibouti and Eritrea. On the northern side of Ras Doumeira is a small inlet that has reportedly been improved by EDF in order to construct a harbour (some interlocutors of the mission claimed that it was a small naval facility) and to gain access to the top of the feature from the Eritrean side. Until that work was done, the only access to the summit of Ras Doumeira was from the Djibouti side to the south. East of Ras Doumeira lies Doumeira Island, which appears to have once been an extension of Ras Doumeira.

29. According to a 1954 map shown to the mission by the Minister for Foreign Affairs and International Cooperation of Djibouti, both the eastern section of Ras Doumeira and Doumeira Island belong to Djibouti, although that section of the border remains to be formally demarcated. Both Ras Doumeira and Doumeira Island overlook the Bab el-Mandeb Strait, which is between the Djiboutian coast and Yemen about 35 kilometres north-west of the proposed location where the recently announced multi-million dollar bridge between Djibouti and Yemen (a massive investment and engineering works bringing together consortiums of Arab industrialists and Gulf countries) will be constructed. From the summit of Ras Doumeira, a force can observe and dominate the land approaches to Eritrea from the south, as the remainder of the border follows the course of the Weima River, which may be an obstacle to armoured and wheeled vehicles.

30. The fact-finding mission was able to visit the area on 3 August 2008 and viewed the disputed site from a distance with binoculars. It was difficult to assess the defensive earthworks (photographic evidence produced by Djibouti) that had reportedly been constructed on Ras Doumeira by EDF. The Djibouti military provided a very good situation brief to the mission with details and photographs of the background, military build-up and repositioning of DAF. According to that brief, EDF had undertaken extensive development of its positions, making stone-pitched communication trenches that encircled the eastern tip of Ras Doumeira and fortifications at intervals along the trenches.

31. The mission found that the Djibouti military had withdrawn four to five kilometres from the disputed area, in accordance with the Security Council's presidential statement of 12 June 2008 (S/PRST/2008/20), in which the Council urged "both parties ... to show maximum restraint and withdraw forces to the status quo ante". DAF, supported logistically by the French military (in accordance with a 1977 defence treaty between France and Djibouti) has adopted a defensive posture beyond the mortar range of EDF. From the position where the mission observed the developments on Ras Doumeira, it was not obvious whether the Eritrean military were still developing what a number of interlocutors referred to as their "defensive positions" on the mountain. Some interlocutors claimed that EDF had deployed anti-aircraft weapons as part of their fortifications, although the mission was unable to clearly identify those or any other weapon systems from its observation point south of the disputed zone. Also, the mission was not in a position to determine whether EDF had already accomplished its mission (deployment) in the area, nor

was it able to definitely conclude that the new facts that had been established on the ground would become the new reality in Ras Doumeira.

32. Some military interlocutors consulted by the mission suggested that the EDF presence on Ras Doumeira consists of about one battalion, supported by a platoon of artillery and a platoon of armour and engineers who are constructing the fortifications and the small naval facility. In total, it was alleged that the Eritrean forces might number between 500 and 600 troops, although they could be quickly reinforced with troops from the port of Assab or other locations close to the border.

33. The Djiboutian military, on the other hand, has approximately one battalion each of infantry, artillery and armour corps deployed forward for area defence under very harsh conditions. Beyond the deployment of men and armour, there are requirements for close air support, attack aviation, artillery and possible naval gunfire support for any offensive military action against Ras Doumeira. The Djibouti military is unable to field such a force without significant support. In addition, it would be difficult for DAF to sustain a force of about 1,000 troops in the field for much longer, as its total force averages 4,400, including the gendarmerie, which comprises about 800 personnel.

34. Presently, the security situation on the ground could be described as stable but tense, exacerbated by extreme conditions in the area at this time of year. It is not clear how long EDF are prepared to hold the disputed sites. Djibouti seems prepared to defend its territory, although it continues to pursue diplomatic and political channels to peacefully resolve the issue. As the mission was unable to consult with the Eritrean authorities, it is difficult to determine the exact reasons why Eritrea has undertaken this venture and what future actions can be expected from the Eritrean side. However, it is unlikely, both from the mission's observation and from the perspectives of military experts familiar with the region, that EDF will undertake further advances into Djibouti territory.

35. An incontestable fact established by the fact-finding mission was that a stalemate situation has developed between Djibouti and Eritrea and that it can be resolved only through diplomatic means, especially because the current levels of military deployment are unsustainable and place an unfair burden on the peoples of both Djibouti and Eritrea.

B. Impact of the crisis on relations between the two States

36. Until June 2008, Djibouti and Eritrea had maintained fairly good bilateral relations. During the fact-finding mission, the point was routinely made that Djibouti is the one neighbouring country (apart from Saudi Arabia and possibly the Sudan) with which Eritrea had enjoyed good relations until the outbreak of the current dispute. By the account of the Djibouti authorities, it was out of such considerations that Djibouti tried in the first place to resolve the current crisis at the leadership level and through existing bilateral mechanisms between the two countries. Key among those mechanisms are a July 2006 agreement between the Ministries of Defence of the two countries, based on a treaty of friendship and cooperation between Eritrea and Djibouti, and an agreement on security matters signed in December 1995.

37. The mission was informed that, under the 2006 agreement, the two countries undertook to respect their respective borders and agreed to set up a Joint Military and Technical Committee, which would meet every six months or as requested by either party. It was further agreed that the Committee would meet once a year at both the ministerial and the military command levels. At this critical time in the history of relations between the two countries, all the aforementioned mechanisms seem to have become inoperable, a situation that the Djibouti authorities attribute to the lack of political will of the Eritrean leadership and its non-transparency as far as its real intentions are concerned.

38. Since the beginning of the current tensions, relations between Djibouti and Eritrea have significantly deteriorated, prompting Djibouti to recall its Ambassador to Eritrea and to expel Eritrea's Ambassador to Djibouti in June 2008. All diplomatic relations between the two countries are currently suspended, as Eritrea continues to downplay the gravity of the situation and to rebuff all attempts by regional and international organizations, including the United Nations, to help both countries defuse the tension.

39. Considering the scale of the current crisis, which has already led to significant loss of human life, and given the disruption of bilateral relations between the two States, only a high-level political intervention accepted by Eritrea can bring about a de-escalation of the tension and persuade the parties to demilitarize their common border and return to the status quo ante. The mission would strongly advise against further military action by either party, as there is definitely no military solution to the ongoing dispute. On the contrary, the mission felt a great need for rebuilding confidence between the two States and for healing the wounds that the crisis is creating on a daily basis.

C. Humanitarian impact of the crisis

Impact on the local population in Obock district

40. The border dispute takes place in the most arid and least populated district of Djibouti. It is only recently that its main town, Obock, was connected to the rest of the country by an asphalted road. According to the Obock district doctor, about 60,000 people, mostly pastoralists, live in this region of Djibouti. The pastoralists regularly cross borders in search of better pasture and water sources, depending on the season. Most of those living near the borders with Eritrea and Ethiopia are nomads who do not carry any national identification documents and who move freely with their livestock from one territory to the other. The current drought has particularly affected the northern and eastern parts of Obock district. Malnutrition rates have reached alarming levels and a significant percentage of the population depends on food aid and/or water trucking.

41. The clashes of 10 to 12 June 2008 and the subsequent militarization of Doumeira and Moulhoule have reportedly caused the displacement of some 207 families, which were temporarily relocated to two sites in the Obock district, called Andoli and Khor Angar. All the displaced families are current beneficiaries of the World Food Programme food aid and those in Khor Angar receive water trucking organized by the national authorities with assistance from the United Nations Children's Fund (UNICEF) for fuel supply and maintenance. The fact-finding

mission was not able to visit the displaced families, as the aforementioned relocation sites were both quite far from Doumeira.

42. Although the number of displaced persons is relatively low, the militarization of the border area has had a negative impact on the population of the area in many ways. First, the sudden influx into the area of hundreds of armed forces personnel has further overstretched the scarce resources available, water and pasture in particular; UNICEF is concerned that one of the few boreholes in the area is now exclusively used to supply water to the Djibouti military. Second, the closure of some 80 kilometres of border between Djibouti and Eritrea disrupts traditional migrations and threatens the livelihood of pastoralists in both countries, as well as in Ethiopia. Third, the closure of the Djibouti-Eritrea border has caused several families to split, with some family members left on the Djibouti side while others are on Eritrean-controlled territory. Most of the affected families are without information on the whereabouts of their separated members.

Protection issues

43. Currently, the most serious concerns are related to protection. Nineteen Djiboutian combatants have reportedly been missing in action since the clashes of 10 to 12 June. The list of missing Djibouti personnel was forwarded to the International Committee of the Red Cross (ICRC) during its recent ad hoc mission to Djibouti. ICRC was also able to visit 19 Eritrean combatants detained as prisoners by the Djibouti authorities since the clashes. Another ICRC visit to Djibouti was scheduled for mid-August.

44. ICRC has a presence in Eritrea, but authorities there have so far denied the occurrence of the border incidents of 10 to 12 June. Consequently, it has been impossible for ICRC to ascertain the presence of Djibouti prisoners of war in Eritrea as a result of those incidents.

45. As stated above, a number of Eritrean soldiers and officers have deserted EDF and crossed over into Djibouti since the beginning of the crisis. According to the Secretary-General of the Djibouti Ministry of Interior, 36 Eritrean deserters are currently under the responsibility of the Djibouti authorities of the Office of the United Nations High Commissioner for Refugees (UNHCR) has received unconfirmed reports that up to 100 Eritrean deserters are now in Djibouti and more continue to arrive, some of them high-ranking EDF officers). The Djibouti Ministry of Interior has approached UNHCR with a request that it shelter and assist the deserters, as well as help determine their status.

46. UNHCR has a strict policy for dealing with combatants and ex-combatants: deserters are considered separately from other refugees or asylum-seekers. They are placed under the protection of the host Government, and no direct UNHCR assistance can be provided to them without the approval of the Deputy High Commissioner. In order to determine whether deserters qualify for refugee status, proof has to be established that they renounced any military activity long before claiming the status of refugees. Strict exclusion clauses also apply to individuals who have committed serious human rights violations or war crimes. The mission was assured that UNHCR will support the Djibouti authorities in determining the status of the Eritrean deserters currently on Djibouti soil.

47. Resettlement to a third country is possible for EDF deserters who obtain the status of refugees. This could be a confidence-building measure and could potentially ease tensions on this sensitive issue. The future of those who will not be granted refugee status will have to be clarified as well, particularly whether the Djibouti authorities should treat them as prisoners of war. However, a more detailed consideration of this issue was considered to be outside the scope of this fact-finding mission .

Treatment of the wounded

48. Following the clashes of 10 to 12 June, about 55 Djibouti combatants were evacuated and treated by the French military. If needed, the French military, ICRC and the non-governmental organization Médecins sans frontières (each of which has a small presence in Djibouti) could provide additional supplies for the treatment of war-wounded combatants and civilians.

VIII. Observations

49. An important fact established by the mission is that the Djibouti authorities find it intolerable that a neighbour should attack their country, occupy their sovereign territory and, worse still, refuse to engage in dialogue or explain its actions. The fact-finding mission found the situation at the border to be very tense and the attitude of the people of Djibouti one of heightened expectations, especially in respect of the United Nations. Throughout the mission's visit to Djibouti, the authorities of the country strongly expressed their disappointment at being betrayed by a neighbour, Eritrea. Among the limited constituents of the population that the mission came into contact with, there was frustration and indignation at the fact that Djibouti is being unfairly targeted and drawn into a senseless crisis as a way of diverting the country's attention from its developmental efforts and its endeavour to improve the living conditions of its population.

50. Within the Djibouti military, there was anger over the actions of EDF and the studied silence of the Eritrean leadership, as if it were normal behaviour to occupy parts of the sovereign territory of another country. Many senior officers expressed to the mission, in very strong terms, their discomfort with having to accept the fact that the Djibouti army was made to withdraw from its territory after Eritrea had forcibly occupied Doumeira. While they claimed that they had withdrawn in response to the calls made by the Security Council, they contrasted their action with that of Eritrea, which not only occupied sovereign Djiboutian territory, but refused to engage with Djibouti or cooperate with efforts by the international community to defuse the crisis. By so doing, Eritrea could deliberately or unwittingly provoke Djibouti into another senseless war in the Horn of Africa.

51. Having exhaustively examined all the facts at its disposal, the mission wishes to highlight the following specific observations:

(a) Recent developments at the Djibouti-Eritrea border, especially the militarization of Doumeira, constitute a threat to the stability and socio-economic development of Djibouti. The ongoing tension poses a considerable risk to the country's internal peace and security, as it could potentially expose the democratically elected Government of Djibouti to undue pressure from an indignant Djibouti military, eager to reclaim Doumeira from EDF by force. Should the

Eritrean occupation of Doumeira be allowed to prevail as a fait accompli, it is possible that the Djibouti military could begin to perceive the country's political leadership as weak and unable to deal with the ongoing occupation of Djibouti territory. Such a scenario could easily bring about political instability. Besides, the mobilization of the Djibouti army at the border is clearly unsustainable and would constitute a huge haemorrhage on the limited resources of the country;

(b) If not addressed in a timely and comprehensive manner, the Djibouti-Eritrea issue could have a major negative impact on the entire region and the wider international community. The possible destabilization of Djibouti and the militarization of the Bab el-Mandeb Strait do not augur well for peace in the region or for international shipping and investment. Solutions must therefore be found, as a matter of the utmost priority;

(c) The mission has identified an interrelation between the Ethiopia-Eritrea conflict and the Djibouti-Eritrea crisis. Even though this issue was never discussed extensively during the mission, it is almost certain that a breakthrough in the Ethiopia-Eritrea peace process will go a long way towards securing the cooperation of Eritrea in efforts to demilitarize its border with Djibouti. Any progress in resolving the Ethiopia-Eritrea issue would also be likely to encourage Eritrea to accept an international arbitration process that would lead to a mutually accepted demarcation of the Djibouti-Eritrea border. One should not underrate the formidable impact of the protracted Ethiopia-Eritrea dispute on peace and stability in the entire Horn of Africa, given especially the frustration of Ethiopia and Eritrea at the lack of progress on this issue since the Ethiopia-Eritrea Boundary Commission ruling in April 2002. The members of the fact-finding mission share the increasingly accepted view that much of the instability in that region is related to unfinished business and the unresolved Ethiopia-Eritrea dispute, particularly their efforts to counter each other's (real or perceived) interests and actions in the region, be it in Djibouti or in Somalia;

(d) Eritrea has good experience in judicial processes and arbitration for resolving border disputes, including those with Ethiopia and Yemen. If it believes it has a border dispute with Djibouti, Eritrea should be encouraged to state so publicly and submit a case to a political and/or judicial process or arbitration to resolve it;

(e) In the short term, there may be no satisfactory resolution of the dispute without the full cooperation of both countries, especially Eritrea. Yet the situation must not be allowed to become another endless border dispute where facts are changed on the ground and two neighbours get dragged into endless disputes over how to deal with that new reality on the ground. Eritrea cannot continue saying that it has no issue with Djibouti when there is so much overwhelming evidence to confirm that there is a problem. Given that its actions are adversely affecting another country, Eritrea has an obligation to engage in dialogue over the situation that prevails in Doumeira.

IX. Recommendations

52. Through the present report, the fact-finding mission wishes to underscore the need for urgent political action to end the crisis between Djibouti and Eritrea. It seems obvious (even without knowing the true intentions of the Eritrean authorities) that neither side wants further deterioration in their relations or an escalation in the

mobilization of forces or hostile rhetoric. The United Nations seems best placed to help defuse the tension, if there is political will to resolve the crisis peacefully on both sides. Set out below are the key (interim, pending a visit to Eritrea) recommendations of the mission.

A. Conclusion of the work of the fact-finding mission

53. The offer of the good offices of the Secretary-General to defuse the tension between Djibouti and Eritrea should be renewed as a matter of the utmost priority. To provide momentum for such a political process, both countries must be made to believe that it is in their vested interest to have a balanced fact-finding mission, which would reach conclusions only after hearing from both sides. The Djibouti authorities have so far cooperated and facilitated the work of the fact-finding mission; the onus is now on the Eritrean leadership. If Eritrea alleges an invasion by Ethiopia or aggression by Djibouti, as it has done, then it has an international obligation and responsibility to cooperate with the United Nations to establish the facts. To convey the importance that the Secretary-General and the Security Council attach to an early solution to the crisis, and to enhance the confidence of the Eritrean authorities in the process, the Under-Secretary-General for Political Affairs, who undertook an earlier successful mission to Asmara, could return to the Eritrean capital in the coming weeks to consult with the Eritrean leadership.

54. The grace period for the Eritreans must not be open-ended. The engagement must be prepared in such a way that it does not draw the United Nations into any polemical arguments and political rhetoric. The Eritreans should be given a specific time frame to issue the necessary visas and facilitate the work of the mission, including on-the-spot visits to the Eritrean side of the deployment in Doumeira.

55. There are high expectations, and even demands, placed on the United Nations to deploy the maximum efforts to get the two countries out of the quagmire in which they find themselves. The current situation between Djibouti and Eritrea, notably the crisis at the border and the breakdown in diplomatic relations, should not be allowed to fester, even if on the surface the area seems "calm and quiet", as some have indicated.

B. Confidence-building through demilitarization and better treatment for deserters

56. A major priority for the United Nations and all international actors should be to persuade the two parties, Eritrea in particular, to demilitarize the border and return to the status quo ante as at February 2008. Not much would be achieved in terms of a negotiated political solution with the current state of mobilization of forces in the affected area. The Djibouti army has since pulled back. It is only logical that the Eritrean forces do the same, as was demanded by the Security Council. No country should be allowed to disregard the decisions of the Security Council with impunity, as this would not augur well for peace and security in the region and globally.

57. The mission recalls that the clashes of 10 to 12 June came after weeks of growing tension at the border and were partly the result of disagreements between

DAF and EDF over the treatment to be applied to EDF deserters who crossed into Djibouti between April and June 2008. It is therefore likely that any effort by the United Nations to facilitate dialogue between the two countries on the future of the deserters would be welcomed by Eritrea and could consequently serve as an important confidence-building measure. There are indications that ICRC is in contact with the authorities of both Djibouti and Eritrea on the issue of prisoners of war and those missing in action, as well as, to a certain extent, the reported deserters. The nature and exact substance of that engagement or its outcomes are not immediately known to the fact-finding mission. If the indications are true, ICRC and both countries should be encouraged to pursue that humanitarian initiative, quietly and away from the political limelight. At this point, more than any other action, this could encourage dialogue, generate political space and create an entry point for defusing the tension.

C. Political and judicial frameworks (arbitration)

58. Even if Eritrea and Djibouti have so far refrained from saying so, there is an undemarcated and possibly disputed border between the two countries. The existence of several colonial treaties and protocols, as well as at least three different maps and borderlines, indicates that the border inherited at independence could be under contention.

59. Reaching a final ruling on the position of the Djibouti-Eritrea border is arguably the ultimate and most rational solution to the current crisis. It is also the best insurance for preventing similar crises from erupting in the future. Long-term efforts to maintain peace between Djibouti and Eritrea should therefore focus on the initiation of a new political process or the reactivation of existing bilateral mechanisms for dealing with such problems. Where such a process does not deliver on the expected outcomes, both parties could seek recourse in an arbitration process that would culminate in a border demarcation ruling.

60. There is definitely a need for both countries to agree on which of the colonial treaties and protocols should be accepted as the basis for defining their common border (1897 Abyssinia-France treaty, 1900-1901 France-Italy protocols, 1935 France-Italy treaty). It is tragic that the two countries have been on the verge of war over treaties and protocols negotiated when they did not exist as independent States. Beyond the Organization of African Unity Cairo Declaration on the sanctity of borders inherited by African Sates as at independence, recent experience of disputes, such as that of Chad and the Libyan Arab Jamahiriya over the Aouzou Strip, could be instructive in this regard.

61. In view of the above, United Nations efforts at resolving the Djibouti-Eritrea crisis should focus on providing the two countries with a platform to discuss their common border and agree on a fair process that would lead to the demarcation of their frontier. In this respect, the Secretary-General may wish to explore with the parties the possibility of availing them of his good offices to facilitate such discussion. The Department of Political Affairs seems best placed to facilitate dialogue between the two countries on demilitarizing the border and initiating a political process. Such a process should preferably take place under the leadership of a special envoy who would take over after the proposed visit of the Under-Secretary-General for Political Affairs to Asmara.

X. Conclusion

62. This is only a partial report by the fact-finding mission. Despite this limitation, it offers insight into the state of the relations between Djibouti and Eritrea. Hopefully, the authorities in Eritrea will respond positively and in a timely manner to the offer of good offices by the Secretary-General. The situation remains fragile, volatile and urgent. The uneasy calm that prevails should not lull the United Nations into complacency. In the event that the offer by the United Nations is again rebuffed by Eritrea, the matter should be referred to the Security Council for appropriate action. A sovereign country is being drawn into a crippling and unaffordable military mobilization, to deal with a situation that may ultimately threaten national, regional and international peace. For now, the fact-finding mission's conclusion is that there is still some scope for further political engagements, especially with Eritrea.

Annex I

Protocols and treaties

1897

Convention
pour les frontières.

Entre Sa Majesté Menilek II
Roi des Rois d'Ethiopie et Mon-
sieur Lagarde, Ministre plénipo-
tentiaire, Représentant du
Gouvernement de la République
Française, officier de la Légion d'
Honneur, Grand Croix de l'ordre
Impérial d'Ethiopie, il a été con-
venu ce qui suit :

La frontière de la zône côtière con-
servée par la France comme pos-
session ou Protectorat direct sera
indiquée par une ligne partant
de la frontière franco-anglaise
à Ouallelo, passant à Rahali, le
mont Daguen, Gallola, Sobad,
Hirali, le bord du Lac Abbi,
Mergada, le bord du Lac Alli et
de là remontant par Waimuli et
Aughino Marci, puis gagnant
Dumeirah par Ettaga en côtoy-
ant Rakeitah.

(Voir Carte de Chaurand 1894)

Il est bien entendu qu'aucune Puissance étrangère ne

pourra se prévaloir de cet arrangement pour s'immiscer sous quelque forme et quelque prétexte que ce soit dans les régions situées au delà de la zône côtière française.

Le Lac Assal étant l'héritage de l'Empire d'Ethiopie, il est convenu qu'on ne défendra jamais de prendre dans ce Lac le sel destiné à l'Ethiopie et que l'arrangement qui a été fait avec une Compagnie au sujet du Lac Assal reste intact.

Ecrit à Addis Abeba le 12 Mégabit 1889 (20 mars 1897)

Donné en 1938

TRAITE ENTRE LA FRANCE ET L'ITALIE
RELATIF AU REGLEMENT DE LEURS INTERETS EN AFRIQUE

Le Président de la République Française et Sa Majesté le Roi d'Italie, désireux de développer en Afrique les relations d'amitié et de bon voisinage qui existent entre les deux Nations et, pour ce faire, de régler d'une manière définitive les questions pendantes au sujet des Conventions du 28 Septembre 1896 relatives à la Tunisie et de l'Accord de Londres du 26 Avril 191[illegible] en son article 13, ont désigné pour leurs plénipotentiaires, savoir :

le PRESIDENT de la REPUBLIQUE FRANCAISE :

M. Pierre LAVAL, Ministre des Affaires Etrangères,

et SA MAJESTE LE ROI D'ITALIE :

M. Benito MUSSOLINI, Chef du Gouvernement, Ministre des Affaires Etrangères,

lesquels, après avoir reconnu leurs pleins pouvoirs en bonne et due forme, sont convenus des dispositions suivantes :

TITRE Ier. - QUESTIONS TUNISIENNES

Article Ier.

Les situations et les droits des Italiens et sujets coloniaux italiens en Tunisie et des Tunisiens en Italie seront réglés par une Convention Spéciale, dont les bases sont fixées dans un Protocole spécial en date de ce jour, et que les Hautes Parties

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contractantes s'engagent à négocier dans les plus bref délai possible, de telle manière qu'elle entre en vigueur à la même date que le présent Traité.

TITRE II. - FRONTIERE ENTRE LA LIBYE ET LES COLONIES FRANCAISES LIMITROPHES

Article 2.

La frontière séparant la Libye de l'Afrique Occidentale Française et de l'Afrique Equatoriale Française à l'est de Tummo, point terminal de la ligne fixée par l'accord de Paris du 12 septembre 1919, sera déterminée ainsi qu'il suit :

- une ligne directe partant de Tummo et rejoignant l'EHI DOMAR DOBA;

- de l'EHI DOMAR DOBA, une ligne droite rejoignant l'extrémité Nord-Est de l'EHI DOGOLOGA;

- de l'EHI DOGOLOGA , une ligne droite rejoignant l'ENNERI TUNKOU en un point situé en aval du confluent de celui-ci avec l'ENNERI GUESSO, de telle sorte que le tronçon DOGOLOGA-ENNERI TUNKOU de la piste caravanière du Fezzan vers BARDAI reste en territoire français ;

- de ce point, une ligne droite rejoignant le confluent de l'ENNERI BARDAGUE avec l'ENNERI MOKOGOI ou OFOUNI;

- de ce confluent, la ligne des hauteurs séparant l'ENNERI BARDAGUE de l'ENNERI MOKOGOI ou OFOUNI, puis la ligne des crêtes jusque'à l'EHI HADOU, de telle sorte que les affluents de droite de l'ENNERI BARDAGUE-ZOUMERI, notamment les ENNERI OURI, TINAA, OUADAKE, ARAYE, MECHEUR, YIRENNO, AGUEBRE, KAYAGA, ARECHE, restent en territoire français ;

./.

- de l'EMI MADOU, une ligne droite rejoignant YERISUR, à 10 kilomètres en amont de YEBRI-GOUMA;

- de ce point, une ligne droite rejoignant le point géodésique d'AOZI;

- de ce point, une ligne droite rejoignant l'intersection du 24ème degré de longitude Est Greenwich et du 18ème degré 45' de latitude nord.

Ce tracé est indiqué sur la carte N.1 jointe au présent Traité.

Article 3.

Des Commissaires spéciaux, délégués à cet effet par les deux Gouvernements, procéderont sur les lieux, d'après les données énoncées à l'article précédent, à une démarcation effective. Ils soumettront aux deux Gouvernements, en même temps que le résultat de leurs travaux, un projet d'accord sur les dispositions à prendre pour assurer d'une manière efficace la police dans la zone frontière et pour y régler l'utilisation des pâturages et des points d'eau par les populations indigènes.

TITRE III. - FRONTIERES ENTRE L'ERYTHREE ET LA COTE FRANCAISE DES SOMALIS

Article 4.

Le tracé suivant sera substitué à la délimitation établie entre l'Erythrée et la Côte Française des Somalis par les Protocoles de Rome en date des 24 Janvier 1900 et 10 Juillet 1901 :

- de DER ELOUA sur le détroit de BAB-EL-MANDEB une ligne droite rejoignant l'OUED HEDMA immédiatement en aval de DAADATO.

./.

Ce tracé est indiqué sur la carte N°2 jointe au présent Traité.

Article 5.

Des Commissaires spéciaux, délégués à cet effet par les deux Gouvernements, procéderont sur les lieux, d'après les données énoncées à l'article précédent, à une démarcation effective. Ils soumettront aux deux Gouvernements, en même temps que le résultat de leurs travaux, un projet d'accord sur les dispositions à prendre pour assurer d'une manière efficace la police dans la zone frontière et pour y régler l'utilisation des pâturages et des points d'eau par les populations indigènes.

Article 6.

La France reconnaît la souveraineté de l'Italie sur l'île DOUMEIRAH et les îlots sans nom adjacents à cette île.

Article 7.

Le présent Traité sera ratifié et les ratifications seront échangées à Rome dans le plus bref délai possible. Il entrera en vigueur le jour de l'échange des ratifications.

En foi de quoi, les Plénipotentiaires susnommés ont signé le présent Traité, établi en double exemplaire, et y ont apposé leurs cachets.

Fait à Rome le 7 Janvier 1935

AMBASSADE DE FRANCE
EN ETHIOPIE

PROTOCOLE DE DELIMITATION DE LA FRONTIERE
ENTRE LA COTE FRANÇAISE DES SOMALIS ET L'ETHIOPIE

- - - - - - - - - - - - - - - -

Le Gouvernement de la République Française et le Gouvernement Impérial d'Ethiopie, désireux de resserrer les liens d'amitié existant entre la France et l'Ethiopie et de se mettre définitivement d'accord sur le tracé des frontières entre la Côte Française des Somalis et l'Empire d'Ethiopie qui a déjà fait l'objet:

- de la Convention pour les frontières du 20 Mars 1897,
- du Protocole franco-anglo-éthiopien du 18 Avril 1934,
- du Protocole franco-éthiopien du 5 Septembre 1945,
- des accords franco-éthiopiens du 3 Juin 1947,
- des accords franco-éthiopiens du 29 Octobre 1949,
- du Procès-verbal du 6 Mai 1953 de la 16ème réunion de la commission mixte d'abornement de la frontière,

sont convenus:

1°) De considérer comme définitif le tracé de la frontière de Mabanda-Djallelo à Dirko-Koma déjà délimité et abornè, tel qu'il est décrit dans le procès-verbal de la 16ème réunion, tenue le 6 Mai 1953, de la Commission franco-éthiopienne d'abornement de frontières et dans ses annexes.

..../.

2°) De procéder, aussitôt après la signature du présent protocole, à la restitution ou au transfert réciproque des territoires occupés par l'une ou l'autre des deux parties au-delà de la frontière déjà délimitée et abornée, l'opération devant commencer quinze jours après cette signature et devant être achevée au plus tard dans le délai d'un mois à partir du commencement de l'opération du transfert. Le point de départ pour l'opération sera Mahada-Dallelo.

3°) De faire procéder ensuite, dans le délai d'un mois après l'achèvement de l'opération du transfert, et suivant les principes adoptés dans le passé par la commission mixte, à la délimitation de la frontière de Dirko-Koma à Adguéno-Garci et de là jusqu'à Daddato, point d'aboutissement des travaux de délimitation de la frontière entre la Côte Française des Somalis et l'Erythrée.

4°) De faire procéder, aussitôt après, à l'abornement de cette dernière portion de frontière, de Dirko-Koma à Adguéno-Garci et de là jusqu'à Daddato.

En foi de quoi le présent protocole a été signé en double exemplaire.

Fait à Addis-Abeba, le 16 Janvier 1954

L'Ambassadeur de France

Le Ministre des Affaires Etrangères d'Ethiopie.

10 janvier 1901

PROTOCOLE.

La Commission spéciale visée par l'article II du Protocole signé à Rome, le 24 janvier 1900, entre la France et l'Italie, au sujet de la frontière délimitant leurs possessions respectives dans la région côtière de la mer Rouge et du golfe d'Aden, ayant achevé, sur les lieux, le travail dont elle avait été chargée, et le dit Protocole devant maintenant être complété d'après les résultats de ce travail, les soussignés, dûment autorisés à cet effet, ont stipulé ce qui suit:

La ligne de frontière stipulée par l'article I du Protocole 24 janvier 1900 a son point de départ à la pointe extrême du ras Doumeirah; elle s'identifie ensuite avec la ligne de partage des eaux du promontoire de ce nom; après quoi, à savoir après le parcours d'un kilomètre et demi, elle se dirige en ligne droite au point, sur le Weima, marqué Bisidito dans la carte ci-annexée.

A partir de Bisidiro, la ligne se confond avec le *thalweg* du Weima, en le remontant jusqu'à la localité que la carte ci-annexée dénomme Daddato, cette localité

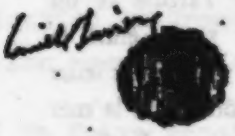
marquant ainsi le point extrême de la délimitation franco-italienne établie par le susdit Protocole 24 janvier 1900.

En foi de quoi, le présent Protocole a été dressé et signé en double exemplaire.

Fait à Rome, le 10 juillet 1901.

L'Ambassadeur de France

Le Ministre des affaires étrangères de S. M. le Roi d'Italie



24 janvier 1900

PROTOCOLE.

Les Gouvernements de France et d'Italie ayant convenu de procéder à la délimitation mutuelle de leurs possessions dans la région côtière de la Mer Rouge et du golfe d'Aden, les soussignés, dûment autorisés à cet effet, ont stipulé ce qui suit:

Article I.

Les possessions italiennes et les possessions françaises sur la côte de la Mer Rouge sont séparées par une ligne ayant son point de départ à l'extrémité du ras Doumeirah, suivant la ligne de partage des eaux du promontoire de ce nom, et se prolongeant ensuite, dans la direction du sud-ouest, pour atteindre, après un parcours d'environ soixante kilomètres depuis ras Doumeirah, un point à fixer d'après les données suivantes:

Après avoir pris comme point de repère, sur une ligne suivant, à environ soixante kilomètres d'écart, la direction générale de la côte de la Mer Rouge, le point équidistant du littoral italien d'Assab et du littoral français de Tadjourah, on fixera, comme point extrême de la ligne de démarcation dont il est question ci-dessus, un point à nord-ouest du point de repère, à une distance de 15 à 20 kilomètres. Le point extrême et la direction de la ligne de démarcation devront, en tout état, laisser du côté italien les routes caravanières se dirigeant de la côte d'Assab vers l'Aussa.

Article II.

Des Commissaires spéciaux, délégués à cet effet par les deux Gouvernements, procéderont sur les lieux,

d'après les données énoncées à l'article précédent, à une démarcation effective. En prenant pour point de départ de la frontière le ras Doumeirah, et en déterminant le tracé de cette frontière, ils feront en sorte que le point extrême de la ligne puisse être facilement identifié par le choix d'un mamelon, d'un rocher ou d'un autre accident de terrain.

Article III.

Les deux Gouvernements se réservent de régler plus tard la situation de l'île Doumeirah et des îlots sans nom adjacents à cette île. En attendant, ils s'engagent à ne les pas occuper, et à s'opposer, le cas échéant, à toute tentative, de la part d'une tierce puissance, de s'y arroger des droits quelconques.

En foi de quoi, le présent Protocole a été signé en double exemplaire.

Fait à Rome, ce 24 janvier 1900.

L'Ambassadeur de France — *Le Ministre des affaires étrangères de S. M. le Roi d'Italie*

Annex II

ADDIS ABABA

THE AFRICAN UNION

i Amb. Ramtane Lamamra, Commissioner for Peace and Security of the African Union (AU)

ii Mr. Elghassim Wane Head of the AU Conflict Management Division (CMD)

iii Gen. Jaotody Jean de Matha, member of the AU fact-finding mission to Djibouti and Eritrea, which visited Djibouti from 5-9 June 2008.

THE LEAGUE OF ARAB SSTATES

- Amb. Ahmed Salah-Eldin Nosh, Resident Representative of the League of Arab States (LAS) to Ethiopia, the AU and the UNECA. the UN, the Eritrean authorities refused to cooperate with the LAS mission.

ETHIOPIAN GOVERNMENT

- Amb. Sahlework Zawde Head of the Africa Department at the Ethiopian Ministry of Foreign Affairs. Met the delegation on behalf of the Vice Minister of Foreign Affairs, H.E. Mr. Tekeda Alemu, who at the time, was out of Addis Ababa.
- Gen. Samora Chief of Staff of the Ethiopian Armed Forces (EAF), on behalf of the Ministry of Defence

Annex III

DJIBOUTI

Membres du Gouvernement
- Son Excellence Monsieur Ismaïl Omar Guelleh, Président de la République. Chef du Gouvernement
- Son Excellence Monsieur Dileita Mohamed Dileita, Premier Ministre
- Son Excellence Monsieur Mahmoud Ali Youssouf, Ministre des Affaires Etrangères et de la Coopération Internationale
- Son Excellence Monsieur Ougoureh Kifleh Ahmed, Ministre de la Défense

Forces Armées Djiboutiennes
- Général Fahti Ahmed Houssein, Chef de l'Etat Major Général
- Général Zakaria Cheik Ibrahim, Chef de l'Etat de la Marine, Commandant du terrain

Présidence
- Mademoiselle Souad Houssein Farrah, Conseillère juridique du Président de la République
- Madame Fathiya Djama Oudoum, Conseillère diplomatique du Président de la République

Ministère des Affaires Etrangères et de la Coopération Internationale
- Monsieur Badri Ali Bogoreh, Secrétaire Général
- Madame Marie Natalis, Directrice des Affaires Juridiques et Consulaires

Ministère du Transport
- Monsieur Omar Wahib Aref, Directeur du Transport et Conseiller technique du Ministre de Transport
- Monsieur Mohamed Clem, Conseiller juridique du Ministre de Transport

Ambassade des Etats-Unis
- Monsieur Eric Wong, Chargé d'affaires p.i.
- Monsieur Matt Romagnuolo, Attaché militaire
- Monsieur Collin Greene, Conseiller politique
- Monsieur Niles Cole, Attaché Culturel

Ambassade de France
- Son Excellence Monsieur Dominique Decherf, Ambassadeur
- Colonel Jean Cremadès, Attache de Défense, Commandant p.i. des Forces Françaises stationnées à Djibouti

IGAD
- Monsieur Azhari Karim, Secrétaire Exécutif p.i.
- Monsieur Youssouf Omar Guelleh, Responsible des relations Publiques
- Monsieur Ali Daher Had, Chef de la Section des finances

Système des Nations Unies

- Monsieur Sunil Saigal, Coordonnateur Résident et Représentant Résident du PNUD et de l'UNFPA (et Représentant p.i. de la FAO et de l'OMS)
- Monsieur Benoît Thiry, Représentant du PAM
- Monsieur Ahmedou Sidi Babah, Chargé de Bureau, UNICEF
- Madame Marie-José Santos-Kpakpo, Chargée de Bureau, UNHCR
- Madame Rachida Souissi, Coordonnatrice de Progmmme, OMS
- Madame Aicha Djama Ibrahim, Assistant Representative, UNFPA
- Monsieur Gabriel Faye, Conseiller à la Sécurité, UNDSS

United Nations S/2008/603

Security Council

Distr.: General
12 September 2008
English
Original: French

Letter dated 12 September 2008 from the Secretary-General addressed to the President of the Security Council

I have the honour to transmit herewith a copy of the letter dated 26 August 2008 which I received from Mr. Rangin Dadfar Spanta, Minister for Foreign Affairs of the Islamic Republic of Afghanistan (see annex).

I should be grateful if you would bring this communication to the attention of the members of the Security Council.

(*Signed*) **Ban** Ki-moon

08-50552 (E) 150908 150908

Annex

On behalf of the Government of the Islamic Republic of Afghanistan, I have the honour to express my appreciation for the role played by the International Security Assistance Force (ISAF), authorized under Security Council resolution 1386 (2001) of 20 December 2001 and subsequent resolutions, for the wider contribution that the United Nations is making towards security and stability in Afghanistan.

The International Security Assistance Force, led by NATO since August 2003, has been crucial in improving security initially in Kabul. Its programme of phased expansion in the north, west, south and east of the country, which is very important, has played a key role in this regard.

The Islamic Republic of Afghanistan welcomes the proposal that ISAF should continue to operate in Afghanistan until the national security forces are fully able to provide security to our nation. The Government of Afghanistan is grateful to all those nations contributing resources to ISAF and to those nations that have assumed a leadership role.

I hope the Security Council will continue to reflect in its resolutions the paramount importance of fulfilling the ISAF mandate.

(*Signed*) Rangin Dadfar **Spanta**
Minister for Foreign Affairs

United Nations A/62/954–S/2008/604

General Assembly
Security Council

Distr.: General
15 September 2008
English
Original: Arabic

General Assembly
Sixty-second session
Agenda item 17
The situation in the Middle East

Security Council
Sixty-third year

Identical letters dated 11 September 2008 from the Permanent Representative of Lebanon to the United Nations addressed to the Secretary-General and the President of the Security Council

On instructions from my Government, I transmit to you herewith a statistical summary of Israeli violations committed from 15 to 21 August 2008 (see annex).

I should be grateful if you would have this letter and its annex circulated as a document of the sixty-second session of the General Assembly, under agenda item 17, and of the Security Council.

(*Signed*) Nawaf **Salam**
Ambassador
Permanent Representative

08-50625 (E) 160908 170908

Annex to the identical letters dated 11 September 2008 from the Permanent Representative of Lebanon to the United Nations addressed to the Secretary-General and the President of the Security Council

Israeli violations, acts of aggression and other activities from 15 to 21 August 2008, inclusive

Air violations

On 15 August 2008, between 0815 and 1350 hours, an Israeli enemy reconnaissance aircraft violated Lebanese airspace, entering over the sea off Naqurah. It circled over the South before leaving over Rumaysh.

On 17 August 2008:

- Between 1115 and 1130 hours, two Israeli enemy warplanes violated Lebanese airspace. They entered over the sea off Batrun and headed north as far as Tripoli before leaving over the sea off Tripoli, heading in the direction of Turkey;
- Between 1100 and 1250 hours, two Israeli enemy warplanes violated Lebanese airspace over Shab'a Farms. They circled over the South and Beirut before leaving over Rumaysh;
- At 0715 hours, an Israeli enemy reconnaissance aircraft violated Lebanese airspace, entering over Alma al-Sha'b. It circled over the South and Beirut before leaving over the sea off Naqurah at 0015 hours on 18 August 2008.

On 18 August 2008, between 1002 and 1100 hours, four Israeli enemy warplanes violated Lebanese airspace, entering over Yarun. They circled between Beirut and the South, over sea and land, before leaving over Alma al-Sha'b.

On 19 August 2008, between 0630 and 2145 hours, an Israeli enemy reconnaissance aircraft violated Lebanese airspace, entering over Kafr Killa. It circled over Beirut and the South before leaving over Rumaysh.

On 20 August 2008, between 0850 and 2020 hours, an Israeli enemy reconnaissance aircraft violated Lebanese airspace, entering over Alma al-Sha'b and heading north as far as Beirut. It circled over Beirut, the South and the Bekaa before leaving over Naqurah.

On 21 August 2008:

- Between 1055 and 1235 hours, an Israeli enemy reconnaissance aircraft circled over the areas of Bint Jubayl and Tibnin;
- Between 1200 and 1340 hours, an Israeli enemy reconnaissance aircraft violated Lebanese airspace, entering from over the sea. It circled between Beirut and Tyre before leaving over the sea off Naqurah;
- Between 1610 and 1625 hours, an Israeli enemy reconnaissance aircraft circled over the area of Naqurah.

Acts of aggression in the field

On 19 August 2008:

- Between 1310 and 1400 hours, Israeli enemy forces, from their Radar position inside the occupied Shab'a Farms, fired a number of rounds of light- and medium-weapons fire and launched smoke bombs towards the perimeter of the aforementioned position;
- At 2212 hours, the Israeli enemy shone a laser beam for one minute from its position opposite Labbunah in the direction of Labbunah, Ra's Naqurah and Lebanese territorial waters.

Israeli activities

On 18 August 2008:

- Between 0830 and 1000 hours, an Israeli enemy convoy comprising seven vehicles (three Merkava tanks, three trucks and a Hummer vehicle) proceeded from the Ruwaysat al-Alam position towards the Radar position inside the occupied Shab'a Farms, launching several smoke bombs as it moved. Troops from the convoy erected an observation post approximately 1 km south of the Radar position;
- Between 1100 and 1900 hours, an Israeli enemy bulldozer raised earthen berms at the Radar position inside the occupied Shab'a Farms. Heavy vehicles were also observed moving inside the Farms area.

On 21 August 2008, a recorded message was received by several mobile telephones in the South. The message was as follows: "The State of Israel would like to know if you have any information regarding the pilot Ron Arad. Press the number one and we will contact you later and give you $10 million".

United Nations S/2008/605

Security Council

Distr.: General
16 September 2008

Original: English

Letter dated 16 September 2008 from the Permanent Representative of Eritrea to the United Nations addressed to the President of the Security Council

Upon instructions from my Government, I wish to reiterate the stance of my country in regard to the "Report of the United Nations fact-finding mission on the Djibouti-Eritrea crisis".

The vexing schemes of the United States Administration to embroil our region in an endless crisis only in order to control the region by "managing these crises" has become too well known these days to merit elaborate explanation. Nonetheless, Washington continues to doggedly pursue this policy and instigate various conflicts in our region under varying labels and pretexts.

What is sad in this state of affairs is the ability of the United States Administration to leverage its influence to instrumentalize the United Nations and its agencies to exacerbate the conflicts that it foments in the first place.

We can cite numerous contemporary events that illustrate this trend, among which is, of course, the "conflict" that it has instigated between "Djibouti and Eritrea".

The manual — albeit misguided — is rather simplistic in form. "First you incite a conflict. This is publicized and exaggerated beyond proportion in order to warrant or justify the intervention of international and regional organizations. The crisis is subsequently compounded and prolonged by dispatching 'envoys', 'mediators' and 'investigators'. The endless diplomatic wrangling will of course exact a price in the suffering of the local populations. But the United States would nonetheless reap the profits of this 'management by crisis'."

This fashionable trend has not been employed in our region alone but, as current events corroborate, also elsewhere in the world.

Victimized as it has been by such repetitive plots, Eritrea was not deceived when the Djibouti "card" was initially floated to serve the very purposes outlined above. And through patience and restraint, Eritrea was able to forestall and contain the transparent ploy. When, as predicted, we were later informed that a United Nations "fact-finding mission" was activated, we clearly stated our position. Indeed, we could not be expected to be party to a futile exercise where the outcome was determined a priori.

08-50770 (E) 170908

As it has happened, what is being recklessly set in motion in the name of the United Nations "fact-finding mission" is the revival of the "crisis" that was frustrated and contained at its inception. This is indeed glaringly obvious.

As we have underlined from the outset, the original ploy had no validity on account of its origins, form and substance. It has been repackaged now in the form of the report of a United Nations fact-finding mission. But it remains unacceptable and deplorable. Responsibility for its consequences will be borne by those who have instigated it in the first place.

I would be most grateful if the present letter could be circulated as a document of the Security Council.

(*Signed*) Araya **Desta**
Ambassador
Permanent Representative

United Nations S/2008/606

Security Council

Distr.: General
16 September 2008

Original: English

Letter dated 15 September 2008 from the Permanent Representative of Cambodia to the United Nations addressed to the President of the Security Council

Upon instructions from my Government, I have the honour to enclose herewith a letter dated 14 August 2008 from Mr. Hor Namhong, Deputy Prime Minister, Minister for Foreign Affairs and International Cooperation of the Kingdom of Cambodia, addressed to Mr. Tej Bunnag, Minister for Foreign Affairs of the Kingdom of Thailand, regarding Thailand's occupation of the Tamone Temple complex of Cambodia, which evidently constitutes another violation of Cambodia's sovereignty and territorial integrity and of international law (see annex).

I would be grateful if the present letter and its annex could be circulated as a document of the Security Council.

(*Signed*) **Sea** Kosal
Permanent Representative
of the Kingdom of Cambodia to the United Nations

08-50776 (E) 180908

Annex to the letter dated 15 September 2008 from the Permanent Representative of Cambodia to the United Nations addressed to the President of the Security Council

I have the honour to draw your kind attention to the fact that, according to the Minutes on the Demarcation (No. 22 on Sector 4) of the Commission for the Delimitation of Frontiers between Indochina and Siam, entitled "The Route named Prasat Tamone", dated 30 December 1908, and the topographic plate indications, the Tamone Toch and Tamone Thom Temples are very clearly situated within the territory of Cambodia, despite the loss of the boundary pillar No. 23 demarcating the border in that area.

On 26 July 2008, the Thai armed forces moved troops into the Tamone Temple Complex and began to occupy the temples by constructing a fence and other structures in the area. At present, Thai soldiers continue to camp approximately 40 metres from the Temple of Tamone Thom. The soldiers of the Thai armed forces have also prevented the Cambodian people, who have always visited the temples to worship, from entering the Tamone Temple complex.

This action of the Thai armed forces clearly constitutes a violation of Cambodia's sovereignty and territorial integrity and of international law.

To avoid a problem similar to that which we have at the Keo Sikha Kiri Svara Pagoda, and pending the work of the jurists from both sides to find a peaceful solution to the current problem, I would like to call on you to immediately undertake the following for the sake of good neighbourliness between our two kingdoms and the spirit of the Treaty of Amity and Cooperation in Southeast Asia:

(a) To remove the fence and other structures in the area of the Tamone Temple complex;

(b) To withdraw Thai troops from the area and to pull down the military camp from the Temple of Tamone Thom;

(c) To restore the Tamone Temple complex and the nearby area to the status quo ante, i.e., before it was occupied by the Thai armed forces.

(*Signed*) **Hor** Namhong
Deputy Prime Minister
Minister for Foreign Affairs and International Cooperation